

# **SOUTH COFFEYVILLE, OKLAHOMA**

**CODE OF ORDINANCES**  
**APRIL 2017**

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**PART 1 – GENERAL PROVISIONS**

**CHAPTER 1. USE AND CONSTRUCTION OF THE CODE**

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

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

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

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

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

- A. "Board of trustees" or "town board" shall mean the board of trustees of the Town of South Coffeyville;
- B. "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;
- C. "County" or "this county" means the County of Nowata, Oklahoma;
- D. "Gender." A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;
- E. "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;
- F. "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;
- G. "Mayor" means the mayor of the town;
- H. "Month" means a calendar month;
- I. "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;
- J. "Number." A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also

include the singular unless a contrary intention plainly appears;

- K. "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed;"
- L. "Or, and." "Or" may be read "and," and "and" may be read "or," if the sense requires it;
- M. "Other officials or officers, etc." Whenever reference is made to officers, agencies or departments by title only, i.e. "clerk," "town clerk," "town attorney," "fire chief," "chief of police," etc. they shall mean the officers, agencies or departments of the town;
- N. "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;
- O. "Preceding, following" means next before and next after, respectively;
- P. "Property" shall include real and personal property;
- Q. "Signature or subscription" includes a mark when a person cannot write;
- R. "State" or "this state" shall be construed to mean the State of Oklahoma;
- S. "Statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;
- T. "Street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the town which are dedicated and open to public use;
- U. "Tense." Words used in the past or present tense include the future as well as the past and present;
- V. "Week" means seven (7) days;
- W. "Town" means the Town of South Coffeyville; and
- X. "Year" means a calendar year.

**SECTION 1-103 CATCHLINES OF SECTIONS; CITATIONS.**

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

**SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES.**

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

**SECTION 1-105 SEVERABILITY OF PARTS OF CODE.**

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

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

- A. All ordinances passed subsequent to this code or ordinances which amend, repeal or in any way affect this code of ordinances may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages.
- B. Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the section of this code in substantially the following language: "Be it ordained by the Board of Trustees of the Town of South Coffeyville, Oklahoma, that Section \_\_\_\_ of the code of ordinances of the Town of South Coffeyville, Oklahoma, is hereby amended to read as follows:" (Set out new provisions in full.)
- C. When the board of trustees desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the board desires to incorporate into the code, a section in substantially the following language may be made part of the ordinance:  
  
"Section \_\_\_\_\_ Be it ordained by the Board of Trustees of the Town of South Coffeyville, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of South Coffeyville, Oklahoma, and the sections of this ordinance may be re-numbered to accomplish this intention."
- D. All sections, articles, chapters or provisions of this code desired to be repealed may be specifically repealed by section or chapter number, as the case may be.

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

**SECTION 1-107 ALTERING CODE.**

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

**SECTION 1-108 GENERAL PENALTY.**

- A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or any ordinance, upon conviction, shall be punished by a fine of not exceeding that allowable by the Oklahoma State Statute, 11 O.S. Section 14-111. Each day or any portion of a day during which any violation of this code or any ordinance shall continue shall constitute a separate offense. (amended 02/18/03)
- B. Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section.

State Law Reference: The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars (\$200.00). 11 O.S. Section 14-111. Maximum fine levied without jury trial, \$750.00 11 O.S. Section 27-119. Maximum fine levied by court with non-lawyer judge, \$50.00 11 O.S. Section 27-119.

**SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION.**

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

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

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

**CHAPTER 2. CORPORATE AND WARD LIMITS**

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

The map of the town showing its territorial limits is hereby designated as the official map of the town, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the town, including all annexations made to the town through and including the date of March 1, 1985.

**SECTION 1-202 WARDS.**

The town is divided into the following wards:

- A. Ward No. 1 shall constitute all that portion of the Town of South Coffeyville, Oklahoma, lying North of Fifth Street and East of Wyandotte Street;
- B. Ward No. 2 shall constitute all that portion of the Town of South Coffeyville, Oklahoma, lying North of Fifth Street and West of Wyandotte Street;
- C. Ward No. 3 shall constitute all that portion of the Town of South Coffeyville, Oklahoma, lying South of Fifth Street from the East City Limits to the West City Limits, South to Seventh Street;
- D. Ward No. 4 shall constitute all that portion of the Town of South Coffeyville, Oklahoma, which lies South of Seventh Street to the City Route Road, and West of Shawnee Street; and
- E. Ward No. 2 shall constitute all that portion of the Town of South Coffeyville, Oklahoma, which lies South of Seventh Street and East of Shawnee Street.

State Law Reference: Trustees of town may be at large, 11 O.S. Section 12-103.1.

**PART 2 - ADMINISTRATION AND GOVERNMENT**

**CHAPTER 1. TOWN BOARD OF TRUSTEES**

**SECTION 2-101 GENERAL POWERS.**

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

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

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

- A. The board of trustees shall consist of five (5) members who shall be nominated and elected at large without regard to their place of residence within the corporate limits of the Town of South Coffeyville. Trustees shall be actual residents and registered voters of the Town.(Eff. 01/06/03)
- B. A resolution of the board of trustees calling for a general or special election to fill the office of trustees shall state the number of four year terms and the number of unexpired terms, if any, to be filled. The resolution shall direct that the ballot shall state the number of offices of trustees to be filled for each term and that the voters shall vote for the number to be filled. (Eff. 01/06/03)
- C. Candidates for the office of trustee shall file for a specific term, which shall be designated on the declaration of candidacy. Candidates receiving the largest pluralities for each designated term shall be elected. (Eff. 01/06/03)

State Law Reference: Governing board, 11 O.S. Section 12-102, 12-103; Terms of office, 11 O.S. Section 8-102; Elections, 11 O.S. Section 16-205, Vacancies in office of Trustee, 11 O.S. Section 8-109; Trustees, at large rather than ward, 11 O.S. Section 12-103.1.

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

- A. The board of trustees shall meet regularly at 6:00 P.M. on the first and third Mondays of each month, and at such other times as it may prescribe by ordinance, resolution, or otherwise, at the town hall. Where the day for a meeting falls upon a day which is a legal holiday in the state, the meeting shall be held on the next succeeding day which is not a holiday. Special meetings may be called by the mayor or any three (3) trustees. A majority of all the members of the board shall constitute a

quorum to do business, but a smaller number may adjourn from day to day. (Amended 05/21/2007)

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

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

**SECTION 2-104 RULES OF ORDER AND PROCEDURE.**

- A. 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 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. 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. 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 be made by a member who previously voted in the majority;
  - 3. No motion shall be debated or put until it be 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. On an amendment's 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; and
- 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.

**SECTION 2-105 TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES.**

The board of trustees may designate various ones of its members or a committee of its members to have supervision of various personnel and activities of the town, such as streets, water systems and so on, and may give each such

trustee or committee designated an appropriate title. Each such trustee or committee so designated shall be subordinate to the board.

**CHAPTER 2. MAYOR**

**SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR.**

- A. The board of trustees shall elect from among its members a mayor. The mayor shall be elected in each odd-numbered year at the first board of trustees meeting held after trustee terms begin, or as soon thereafter as practicable. The mayor shall serve until his successor has been elected and qualified.
- B. The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties, and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, duties and responsibilities of a trustee, including the right to vote on questions.
- C. During the absence, disability or suspension of the mayor, the board shall elect from among its members an acting mayor. When a vacancy occurs in the office of the mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term.

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

**CHAPTER 3. TOWN OFFICERS AND PERSONNEL**

**SECTION 2-301 TOWN CLERK/TREASURER**

- A. The town Clerk-Treasurer shall be appointed by the Mayor with the approval of the Board of Trustees and said position shall be subject to Section 2-301 of the Code.
- B. There is hereby created the office of Town clerk/treasurer, who shall be elected for a term of four (4) years, beginning at the municipal general election held in South Coffeyville, and thereafter for a term of four (4) years as provided by law for election of the Town Clerk.
- C. The Town clerk/treasurer shall have and exercise all powers and duties assigned to him/her by statute and ordinance and such other authority as may be granted to him/her by the Board of Trustees.
- D. All powers and duties assigned to the Town Clerk on or before the effective date of this section by statute, ordinance or the Board of Trustees shall be transferred to and held and exercised by the Town clerk/treasurer from and after 12 o'clock noon on the second Monday following the general municipal election.

- E. All powers and duties assigned to the town treasurer on or before the effective date of this section by statute, ordinance, or the Board of Trustees shall be transferred to and held and exercised by the Town clerk/treasurer from and after 12 o'clock noon on the second Monday following the general municipal election.
- F. The office of the Town Clerk is hereby abolished. Provided, the effective date of this section shall be 12 o'clock noon on the second Monday following the general municipal election held April 7, 2009.
- G. The office of the town treasurer is hereby abolished. Provided, the effective date of this section shall be 12 o'clock noon on the second Monday following the general municipal election held April 7, 2009.
- H. From and after the effective dates provided herein all references to the Town Clerk or the town treasurer in Oklahoma statutes shall mean the Town clerk/treasurer.
- I. The pay of the Town clerk/treasurer for the town of South Coffeyville shall be Five hundred Dollars (\$500.00) per month. This shall be paid on the first pay period of each month contingent upon the Town clerk/treasurer performance of the Town clerk/treasurer legal duties of the office. Any increase or decrease in the Town clerk/treasurer salary for legal duties shall not go into effect until the next term of office.
- J. The person who serves as Town clerk/treasurer may also perform additional duties not specified by state law as an employee of the town of South Coffeyville. Said additional duties shall be performed by the person serving as the Town clerk/Treasurer or as otherwise provided by motion or other action of the board of trustees. The person performing additional administrative duties shall serve at the pleasure of the Board of Trustees or Mayor and shall perform such duties as may be prescribed by the Board of Trustees.
- K. When the words "Treasurer" or "Town Treasurer" or used in this code or in other ordinance of the town, they shall be deemed to mean the Town clerk/treasurer or the deputy Town clerk/treasurer unless another meaning is clearly indicated by the context.
- L. When the words "clerk" or "Town Clerk" are used in this code or in other ordinance of the town, they shall be deemed to mean the Town clerk/treasurer Deputy Town clerk/treasurer unless another meaning is clearly indicated by the context.
- M. In accordance with section 8-106 of Title 11 of the Oklahoma State statutes that town clerk – treasurer shall have the authority to appoint one or more deputy town clerk -- treasurer, subject to confirmation by the Board of Trustees.

State Law Reference: Clerk duties, 11 O.S. Section 12-109; Election of clerk, 11 O.S. Section 16-205; Vacancies, 11 O.S. Section 8-109.

State Law Reference: Town treasurer duties, 11 O.S. Section 12-110; Designation of county treasurer as town treasurer, 19 O.S. Section 645.

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

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

#### **SECTION 2-304 HEALTH OFFICER.**

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

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

- A. The board of trustees may appoint such other officers and employees as it deems desirable and may determine their compensation by motion or resolution, and may demote, suspend, lay off or remove all such personnel in compliance with due process and other requirements of law.
- B. An employee or officer who, after a probationary period as set by the town board, is laid off, suspended without pay for more than ten (10) days, demoted or removed may appeal in writing to the town board. The appeal must be filed with the town clerk for transmittal to the board within ten (10) days after the layoff, suspension, demotion or removal. As soon as practicable thereafter, the board shall conduct a hearing on the appeal, or given an adequate opportunity therefore, and shall report in writing its findings and recommendations and make its final decision in writing regarding the appellant's layoff, suspension, demotion or removal. If the board finds that the layoff, suspension, demotion or removal was made for any reason 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 section.
- C. The Town of South Coffeyville has a personnel policy manual for the employees of the town. This is the policies and procedures that the employees shall work by. These policies are subject to change with notice to the employee by the town council. An employee not following the policy and procedure manual is subject to disciplinary action to include but not limited to termination.



**SECTION 2-306 BONDS.**

The board shall require the town 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.

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

**SECTION 2-307 SALARIES.**

- A. The compensation of all elective town officers, including the following, shall be fixed by ordinance: (amended 05/19/2008)
  - 1. Mayor; \$125.00 per month plus \$100.00 expenses to be paid monthly.
  - 2. Each trustee; \$5.00 per meeting plus expenses to be paid at the end of the fiscal year.
  - 3. Town clerk/treasure; \$500.00 per month to be paid monthly and \$5.00 per meeting to be paid at the end of the fiscal year. (Amended 11/3/97)
- B. Effective date of compensation to take effect after election of said office. (eff. 01/16/89)

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

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

- A. The compensation of all other officers and employees excepting those whose compensation the law requires to be set by ordinance, may be determined by motion or resolution adopted by the board of trustees, and may be changed at any time in the same manner.
- B. Except as the law provides otherwise, the board of trustees may determine or regulate the number and classes of officers and employees.

**SECTION 2-309 SALARIES OF CERTAIN OFFICERS NOT BE 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 Constitution, Article 23, Section 10. This provision shall not apply to officers chosen for indefinite terms nor to employees.

**SECTION 2-310 OATHS.**

- A. All officers of the town, but not employees, are required to take the oath or affirmation of office prescribed by the state constitution before they enter upon their duties.
- B. Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law.

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

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

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

The mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the town during the existence of the emergency, subject to the approval of the board of trustees as soon as a special meeting or regular meeting can reasonably be called or held therefor. The board of trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of such emergency. For the purposes of this section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affecting the health, safety or welfare of the citizens of the town.

**CHAPTER 4. SOCIAL SECURITY**

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

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

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

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

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

**SECTION 2-403 WITHHOLDINGS.**

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

**SECTION 2-404 CONTRIBUTIONS.**

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

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

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

**SECTION 2-406 EXCLUSIONS.**

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

- A. 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
- B. 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.

salary or wages of a fire department member shall be made at the time of each payroll. The deductions shall be set forth in the payroll so that each member may be able to ascertain the exact amount which he is contributing.

- B. The town treasurer shall deposit monthly with the Oklahoma Firefighters' Pension and Retirement Board the amounts of money which are required by applicable state law for each paid member of the fire department.
- C. For each volunteer member of the fire department, the town treasurer shall deposit yearly with the Oklahoma Firefighters' Pension and Retirement Board the amounts of money 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.
- D. All assets of the town firefighters' pension and retirement fund shall be transferred to the Oklahoma Firefighters' Pension and Retirement Board. Assets shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the State Board.

State Law Reference: Firefighters' pension law, 11 O.S. Section 49-122, effective 1/1/81.

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

**CHAPTER 5. FIRE PENSION SYSTEM**

**SECTION 2-501 LOCAL FIRE PENSION AND RETIREMENT BOARD.**

There is hereby created a firefighters' pension and retirement board composed of the mayor, the clerk, the treasurer and three (3) members from the fire department. The board shall have the membership, organization, powers, duties and functions as prescribed by Sections 49-103 et seq. of Title 11 of the Oklahoma Statutes.

State Law Reference: Firefighters' retirement and pension law, 11 O.S. Sections 49-100.11 et seq.

**SECTION 2-502 FUND TO BE OPERATED IN ACCORDANCE WITH 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.

**SECTION 2-503 CONTRIBUTIONS TO FUND.**

- A. The clerk 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 treasurer of the town shall deposit monthly in the Oklahoma Firefighters' Pension and Retirement Board the amounts deducted pursuant to this subsection. Any amounts deducted from the

**PART 3 - ALCOHOLIC BEVERAGES**

**CHAPTER 1. ALCOHOLIC BEVERAGES AND TAX**

**SECTION 3-101. DEFINITIONS AND INTERPRETATIONS.**

Word, phrases, and terms used in this chapter shall have the meaning prescribed by, and be construed in conformity with, the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act, Section 501 to 566 of Title 37 of the Oklahoma Statutes, with the same force and effect as if the definitions were set forth in full in this chapter, unless the context clearly indicates a different meaning or constructions.

**SECTION 3-102. OCCUPATION TAX LEVIED; LICENSE TO BE ISSUED.**

- A. An annual occupation tax is hereby levied on persons engaging in the following businesses or occupations within the town in the amounts respectively indicated:

- |                         |   |
|-------------------------|---|
| 1. Brewer               | \$1,250.00;   |
| 2. Distiller            | \$3,125.00;   |
| 3. Winemaker            | \$625.00;   |
| 4. Oklahoma winemaker   | \$75.00;  |
| 5. Rectifier            | \$2,500.00;   |
| 6. Wholesaler           | \$2,000.00;   |
| 7. Class B wholesaler   | \$625.00;   |
| 8. Retail package store | Not to exceed \$300.00; and   |
| 9. Mixed drink sellers  | shall pay an annual occupation tax for the first year of operation in the sum of Seven Hundred and Fifty Dollars (\$750.00) and Five Hundred Dollars (\$500.00) for each year thereafter. (Eff. 01/22/88) |

- B. The license fee for brewers and for class B wholesalers shall be reduced by seventy-five percent (75%) if the applicant therefore is also the holder of a license to manufacture or wholesale, as the case may be, any intoxicating beverages as provided by Title 37 of the Oklahoma Statutes.
- C. All licenses issued pursuant to this chapter shall expire on June 30 of the year for which issued. The cost of a license of any type or class applied for during the fiscal year shall be a pro rata part of the cost of the yearly license, provided that the cost of the license shall be computed on a monthly basis. Any license issued after the fifteenth day of any month shall be charged for on the basis of the first day of the next month.
- D. A person desiring to engage in any of the above businesses or occupations within the town shall make application for a license therefore to the town clerk, and pay to the town clerk the above required occupation tax. If the applicant carries on

his occupation in more than one location within the town limits, he shall be subject to tax for each location. If the applicant holds a valid state license to engage in the business or occupation within the town issued by the Director of the Oklahoma Alcoholic Beverage Control Board, if the application is in accordance with this chapter, and if the applicant has paid the required town occupation tax, then the town clerk shall issue the license applied for. The license shall be posted in a conspicuous place in the premises wherein the licensee carries on the occupation.

State Law Reference: State license and fees, town not to levy greater fee, 37 O.S. Section 518.

**SECTION 3-103. PAYMENT OF TAX AND SECURING OF LICENSE REQUIRED.**

It is unlawful for any person to engage in any of the businesses or occupations upon which this chapter levies an occupation tax without having paid the town occupation tax levied by this chapter and without having a valid license from the town clerk provided herein.

**SECTION 3-104. TOWN CLERK TO MAKE ANNUAL REPORT.**

The town clerk shall make an annual report as of the close of business on June 30 each year to the Oklahoma Alcoholic Beverage Control Board showing the number and class of licenses issued and the amount of money received therefrom.

**SECTION 3-105. RETAIL PACKAGE STORES; 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. The location of a retail package store is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or a public school. However, if any such church or school shall be established within three hundred (300) feet of any licensed retail premises after such premises have been licensed this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property entrance door of the premises of such package store along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For the purpose of determining measured distance, property situated on the opposite side of the street from such church or school. A license shall not be issued for a location on any block where a school or church is located.

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

**SECTION 3-106. PREMISES TO BE SEPARATED FOR SALE OF ALCOHOLIC BEVERAGES AND OTHER GOODS.**

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 non-transparent 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 3-107. DAYS AND HOURS OF OPERATION.**

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 10:00 A.M. and 10:00 P.M. Monday through Saturday; or on the day of any general, primary, runoff primary, or special election; or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, or Christmas Day.

**SECTION 3-108. SALE ONLY IN ORIGINAL PACKAGE.**

Retail package stores may sell alcoholic beverages only in retail containers in the original package for consumption off the premises. Alcoholic beverages may be sold only at ordinary room temperatures.

**SECTION 3-109. REGULATIONS APPLICABLE TO ALCOHOLIC BEVERAGES.**

It is unlawful for any person:

- A. Knowingly to sell, deliver, or furnish alcoholic beverages to any person under twenty-one (21) years of age;
- B. 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;
- C. To employ any person under the age of twenty-one (21) years in the selling or handling of alcoholic beverages;
- D. 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;
- E. Knowingly to sell, deliver, or furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;
- F. To open a retail container or consume alcoholic beverages on the premises or 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;

- G. To transport in any vehicle upon any street, alley, or other public way within the town any alcoholic beverage except in the original container, which shall not have been opened and the seal of which shall not have been broken, and from which the original cap or cork shall not have been removed, unless the opened container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or any occupant of the vehicle;
- H. To drink intoxicating liquor in public or to be intoxicated in a public place; and
- I. Who is the operator of a café, restaurant, club, or any place of recreation, to permit any person to be drunk or intoxicated in such place of business.

**SECTION 3-110. PACKAGE STORE SIGN.**

No person owning, operating or maintaining a retail alcoholic beverage package store shall cause or permit it 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 (4) inches in height or more than three (3) inches in width and in which the lines of words, if more than one, shall not be more than one inch apart.

State Law Reference: Similar provisions, 37 O.S. Section 516.

**SECTION 3-111. ADVERTISING.**

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 this town.

**SECTION 3-112. 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 1-108 of this code.

**CHAPTER 2. NON-INTOXICATING BEVERAGES**

**SECTION 3-201. DEFINITIONS.**

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

- A. "Minor" means a person who has not yet attained the age at which a person is permitted to consume non-intoxicating beverages under state law;
- B. "Non-intoxicating beverages" means all beverages containing more than one-half of one percent (½ of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight; and
- C. "Retail dealer" means any person, firm, corporation, association, or concessionaire who sells, distributes, or dispenses at retail, any non-intoxicating beverage within the corporate limits of

the town, without regard as to any place where such beverages may be consumed or used.

State Law Reference: See 37 O.S. Sections 163.1 et seq. For regulations on non-intoxicating beverages.

**SECTION 3-202. LICENSE FEE LEVIED.**

- A. There is hereby levied upon each retail dealer in non-intoxicating beverages for consumption on or off the premises an annual occupation tax of Twenty Dollars (\$20.00), and an annual license fee of Ten Dollars (\$10.00) for sale of non-intoxicating beverages which are in original packages and are not for consumption on the premises.
- B. All such municipal license fees taxes shall be paid to the town clerk at the time of issuance of license and in the manner prescribed herein.
- C. All license fees levied 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 April 30. Such fees paid on or before the 15th day of any month shall be on the basis of the first day of the month and such fees paid after the 15th day of the month shall be on the basis of the first day of the next succeeding month.

State Law Reference: State license requirements, cities not to levy more than state license 37 O.S. Section 163.7.

**SECTION 3-203. LICENSE REQUIRED.**

It is unlawful for any retail dealer, whether permanent or temporary, to sell, distribute, or dispense any non-intoxicating beverages without having first received a municipal license as herein required.

**SECTION 3-204. COMPLIANCE WITH LAW; EXPIRATION OF LICENSE.**

No municipal license shall be issued to any retail dealer by the town clerk 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. No license shall be transferrable.

**SECTION 3-205. 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 3-206. PERSONS UNDER EIGHTEEN (18) NOT TO BE EMPLOYED.**

It is unlawful for any owner, manager, or operator of a place where non-intoxicating beverages are sold for consumption on the premises, except an eating place where the service of such beverages is incidental to the main business of serving food, to employ a person under eighteen (18) years of age to work in such place.

**SECTION 3-207. INTOXICATED PERSONS; GAMBLING; DISORDERLY CONDUCT.**

- A. It is unlawful for the owner, manager, or operator of a place where non-intoxicating beverages are 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. 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 intoxicating liquor; 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.
- C. 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 3-208. SALE AND PURCHASE TO OR BY MINORS.**

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 non-intoxicating beverage; or for any minor to purchase, receive or procure any non-intoxicating beverage.

**SECTION 3-209. MINORS; POSSESSION OF ALCOHOLIC BEVERAGES OR BEER PROHIBITED.**

It is unlawful and an offense for any minor to be in possession of any non-intoxicating beverages while such person is on any public street, road or highway, or in any public building or place.

**SECTION 3-210. DRINKING IN PUBLIC.**

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

**SECTION 3-211. HOURS OF SALE.**

- A. It shall be unlawful for any place licensed to sell beverages containing more than one-half of one percent (1/2 of 1%) of alcohol by volume and not more than three and two-tenths percent (3.2%) of alcohol by weight to sell, dispense, or serve such beverages for consumption on the premises between the hours of two o'clock a.m. and seven o'clock a.m. or allow such beverages to be consumed on the premises between the hours of two o'clock a.m. and seven o'clock a.m. excepting Saturday nights when such beverages may not be sold, dispense, served, or consumed on the premises between the hours of two o'clock a.m. and twelve o'clock noon on Sundays; provided, the governing body of any city or town is hereby

authorized to prohibit, by ordinance regularly enacted, the sale, dispensing, serving, and consumption of beverages between the hours of two o'clock a.m. on Sunday and Seven o'clock a.m. of the following Monday.

- B. It shall be unlawful for any place that is a commercial premises to allow beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than 3 and two-tenths (3.2%) of alcohol by weight to be consumed on such commercial premises between the hours of two o'clock a.m. and seven o'clock a.m. As used in this subsection, "commercial premises" means a location or establishment at which this type of business or activity is carried on for nonprofit.
- C. No owner, operator, partner, manager, agent, employee, or person having supervisory control of any establishment licensed to sell low-point beer for consumption on the premises and subject to the provisions of subsection B of Section 246 of Title 37 of the Oklahoma Statutes shall:
1. Sell or offer to sell to any person or group of persons in the low point beer at a price less than the price regularly charged for low point beer during the same calendar week, except at private functions not open to the public.
  2. Sell or offer to sell to any person and unlimited number of drinks of low point beer during any set period of time for a fixed price, except at private functions not open to the public.
  3. Sell or offer to sell low point beer to any person or group of persons on any one day at price less than those charged the general public on that day, except that private functions not open to the public.
- D. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment. In addition, such violation shall be grounds for revocation of any license or permit for the sale of such beverages, as and in the manner provided by law.

State Law Reference: Similar provisions, 37 O.S. Section 213 and 37 O.S. Section 220.

### **SECTION 3-212. TRANSPORTING NON-INTOXICATING BEVERAGES.**

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

- A. In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or
- B. In the trunk or other closed compartment or container out of public view and out of reach of

and not accessible to the driver or any occupant of a vehicle.

### **SECTION 3-213. 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 1-108 of this code.

## **CHAPTER 3. PROHIBITION FOR TOBACCO PRODUCTS AT TOWN FACILITIES, IN PARKS AND AT TOWN RECREATIONAL AREAS**

### **SECTION 3-301. DEFINITIONS.**

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

- A. **Electronic Smoking Device:** Any electronic and/or battery operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine, or other substances. Electronic smoking device includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, and electronic hookah, or any other product name of descriptor.
- B. **Town Property/Facilities:** Any area that is owned, controlled or used by the Town of South Coffeyville, South Coffeyville Public Works Authority, including; building, facilities, machinery and open areas.
- C. **Town Recreational Area:** Any area that is owned, controlled or used by the Town of South Coffeyville and open to the general public for recreational purposes, regardless of any fee or age requirement. The Term "recreational area" includes, but is not limited to, parks, picnic areas, and playgrounds, sports fields, hiking trails and walking tracks.
- D. **Smoking:** The carrying by a person of lighted cigar, cigarette, pipe, or other lighted smoking device.
- E. **Tobacco Product:** Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, snuff, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the exception that the product or matter will be introduced into the human body. "Tobacco product" does not include the cessation product specifically approved by the United States food and drug administration for use in treating nicotine or tobacco dependence.

### **SECTION 3-302. PROHIBITION FOR TOBACCO PRODUCTS AT TOWN FACILITIES, IN TOWN PARKS AND AT TOWN RECREATIONAL AREAS.**

- A. The use of lighted tobacco in any form including vapor products is a public nuisance and dangerous to public health and is hereby prohibited when such possession or use is in any Town Recreational Facility owned or operated by this Town.
- B. Smoking or use of Tobacco Product or an Electronic Smoking Device at any Town Recreational Areas owned or operated by this Town is prohibited.
- C. Smoking or use of a Tobacco product or an Electronic Smoking device at any building(s) Town property/building or portions thereof, owned or operated by this Town is prohibited.
- D. The Chief of Police of the Town or one of his duly appointed agents are authorized to promulgate and enforce reasonable rules and regulations not inconsistent with this Section.
- E. All employees and patrons are requested to honor the nonsmoking areas designated and to respect the preference of others.

**SECTION 3-303. ENFORCEMENT.**

The Town Council shall implement the following in order to prevent smoking in public places:

- A. Post signs at entrances to places where smoking is prohibited which state that tobacco use is prohibited or that the indoor environment is free of tobacco smoke; and
- B. Town personnel shall ask tobacco users to refrain from using any form of tobacco products including electronic smoking devices upon observation of anyone violating the provisions of this act.
- C. 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 1-108 of this code.

**PART 4 – ANIMALS**

**CHAPTER 1. ANIMAL REGULATIONS**

**ARTICLE A. GENERAL PROVISIONS**

**SECTION 4-101. DEFINITIONS.**

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

- A. "Animal" does not include people but means any other mammal or any reptile, bird or amphibian;
- B. "At large" means 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 not to exceed fifteen (15) feet, whether on the owner's premises or not;
- C. "Animal shelter" means any facility operated by a humane society, or a municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law;
- D. "Commercial animal establishment" means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibits, kennel or like establishment;
- E. "Grooming shop" means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed;
- F. "Humane officer" is any person designated by the State of Oklahoma, this municipality, or a humane society as a law enforcement officer qualified to perform such duties under this chapter or the laws of this state;
- G. "Kennel" includes any premises wherein any person engages in the business of either boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats;
- H. "Licensing authority" is the town clerk or a veterinarian or veterinary hospital designated by the town.
- I. "Owner" means any person, firm, or corporation owning, harboring, or keeping an animal. The occupant of any premises on which a pet remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to harboring or keeping the pet;
- J. "Pet" is any animal kept for purposes other than utility or profit;
- K. "Pet shop" refers to any person, partnership or corporation except for a licensed kennel which as part of its business buys, sells or boards animals;

- L. "Residential districts" are those areas of the town included within the residential used districts as fixed and established by the zoning ordinance of the town;
- M. "Public nuisance" refers to any animal which:
  - 1. Molests passersby or passing vehicles;
  - 2. Attacks other animals;
  - 3. Is repeatedly at large;
  - 4. Damages private or public property; or
  - 5. Whines or howls so as to repeatedly disturb the tranquility of the neighborhood.
- N. "Restraint" or "under restraint" refers to any animal secured by a leash not to exceed fifteen (15) feet, fenced or within the real property limits of its owner, or under the control of or obedient to the control of a responsible person;
- O. "Riding school or stable" is any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro;
- P. "Veterinary hospital" is any establishment maintained and operated by a licensed veterinarian for surgery or other diagnosis and treatment of injury or disease of animals;
- Q. "Vicious animal" is any animal that has bitten, clawed or attempted to bite or claw any person without undue provocation, or which threatens to bite or claw any person without undue provocation; and
- R. "Wild animal" is any animal other than dogs, cats or farm animals normally found in a wild or undomesticated state.

State Law Reference: Town authority to regulate animals, 11 O.S. Section 22-115.

**SECTION 4-102. KEEPING IN ANNOYING MANNER.**

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 and a public nuisance.

**SECTION 4-103. ANIMALS NOT TO BE AT LARGE.**

No owner shall permit any animals, including chickens/and other fowl, owned, harbored or kept by him to be at large at any time. All animals must be kept under restraint.

**SECTION 4-104. TURNING ANIMALS AT LARGE UNLAWFUL.**

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



**SECTION 4-105. SWINE NOT TO BE KEPT WITHIN TOWN.**

- A. It is unlawful for any person to keep swine within the town except in an enclosure awaiting immediate transportation.
- B. The keeping or maintaining, or permitting to be kept or maintained, any swine within the town is hereby declared to be a public nuisance. (Prior Code, Title IV, as amended)

**SECTION 4-106. PASTURING PUBLIC AREAS, ILLEGAL.**

It is unlawful for any person to stake, confine, or pasture any animal on any public school ground or other public property, federal state, town or other, on any railroad right-of-way, or on any property without the consent of the person owning or controlling such property.

**SECTION 4-107. IMPOUNDMENT AND SALE OF NUISANCE ANIMALS AND ANIMALS RUNNING AT LARGE, CITATION.**

- A. It is the duty of the animal control officer of the town to take into his 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, or any animal which constitutes a public nuisance, and impound such animal. 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 a sum as set by the town board of trustees.
- B. 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 animal control officer shall post a description of the animal in the town clerk'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's office.
- C. If the owner or person entitled to the possession of any animal impounded under this section is known, the animal control 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 animal control officer may sell the animal to the highest bidder for cash, and the buyer shall thereafter have complete title to such animal.
- D. From the proceeds of the sale of animals sold under this section, there shall be first paid the cost of feeding the animals and the cost of publishing the notice of sale. The residue shall be paid into the office of the town clerk and placed to the credit of the general fund.

- E. Any authorized officer may enter on the premises of the owner or other private premises to take an animal into custody which is in violation of this chapter.
- F. An animal impounded and found to be suffering from a dangerous disease shall not be released while infected and may be destroyed if deemed necessary by the animal control officer.
- G. In addition to, or in lieu of, impounding a public nuisance or at large animal, the animal control or police officer may issue a citation to the owner and the court may impose a fine of not less than \$25.00 and not more than a maximum as provided in Section 1-108 of this code. An owner harboring or possessing a vicious animal may be issued a citation and fined in the amounts as set forth herein, and the court may further order such animal, if still living to be destroyed. (Amended 08/03/87)

**SECTION 4-108. REGISTRATION AND LICENSING OF DOGS.**

- A. 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, by giving the clerk 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, and on or before the first of May of each year thereafter.
- B. The registration and license tax provided in this chapter shall not apply to a dog only temporarily brought and kept within the town, nor to a dog brought within the town to participate in a dog show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs being kept in kennels or pet shops for sale.

**SECTION 4-109. LICENSE TAX AND TAG.**

- A. There is hereby imposed a license tax as set by the town board by motion or resolution per annum on each dog in the town. Such tax shall be paid at the time the annual license required by Section 4-107 is obtained. Upon the payment of such tax to town clerk, the clerk 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 shall also issue an appropriate tag to the applicant. The tag shall constitute a license for the dog.
- B. The owner shall cause the tag received from the town clerk 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.
- C. 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,

showing to him the original receipt, and paying a fee of fifty cents (\$.50).

- D. All monies collected from dog tax by the town clerk shall be paid into the town treasury and placed in the general fund of the town.

#### **SECTION 4-110. RABIES VACCINATION.**

It is the duty of the owner, keeper, or harbinger of every dog or cat in the town, once each calendar year before the first day of May thereof 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 in the town until a certificate of such vaccination for the current year is exhibited to the town clerk.

#### **SECTION 4-111. CRUELTY TO ANIMALS.**

It is unlawful for any person willfully and maliciously to pour on, or apply to, an animal, any drug or other thing which inflicts pain on the animal; 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.

#### **SECTION 4-112. POISONING ANIMAL.**

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

#### **SECTION 4-113. ENCOURAGING ANIMALS TO FIGHT.**

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

#### **SECTION 4-114. DOGS MUZZLED AND CATS CONFINED.**

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

#### **SECTION 4-115. VICIOUS ANIMAL MAY BE KILLED.**

Any person may kill an animal in self-defense or in defense of another when the animal, 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 animal are directed is about to be bitten or otherwise physically harmed.

#### **SECTION 4-116. ANIMAL THAT BITES TO BE REPORTED AND CONFINED.**

Any owner or custodian of an animal having any reason to believe that such animal has bitten any person in the town shall immediately report such incident to the chief of police of the town. Such animal shall immediately be confined at the veterinary clinic chosen by the owner or custodian, under observation of a licensed doctor of veterinary medicine, for a period of ten (10) days to determine if such animal be rabid. The cost of confinement shall be borne by the owner or keeper of the animal.

#### **SECTION 4-117. RABID ANIMALS.**

- A. Any animal suspected of being rabid or of having been bitten by a rabid animal may be confined by order of the health officer or police chief to determine whether the animal is rabid. If a person has been bitten or if there is good reason to believe that a person has been otherwise infected by such animal, the health officer or police chief may have the animal put to death in a humane manner and have it examined by medical authority to determine whether it has rabies. All expenses incurred in confining the animal as provided in this section shall be paid by the owner or keeper of the animal.
- B. Any such animal as described in Subsection A hereof may be killed if it cannot be impounded safely in the discretion of the animal control officer.

#### **SECTION 4-118. KENNELS MUST BE LICENSED.**

Any person owning or operating a kennel must first secure a license from the town clerk and pay a sum as set by the town board per year for the license. 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.

#### **SECTION 4-119. BUILDINGS FOR ANIMALS.**

- A. 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. 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 water-tight and fly-tight receptacle for manure, 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. No manure shall be allowed to accumulate on such premises except in such receptacle.

- C. No stable, dog kennel, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept, shall be maintained closer than forty (40) feet to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.
- D. 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.
- E. 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.
- F. The health officer, upon complaint at any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause such animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. 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 4-120. TOWN MAY ENTER INTO 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, operations and maintaining a pound for animals running in violation of this chapter.

**SECTION 4-121. TETHERING DOGS.**

Any device used to tether a dog must be at least (TEN) 10-foot long and attached in a manner that prevents strangulation or other injury to the dog, or entangled with objects, that would not allow the dog to roam freely. A cable trolley system may be used to tether a dog as long as the stationary cable is at least (TEN) 10-foot long and the dog can move perpendicularly at least 10-feet away from the stationary line. The line should be attached to the dog with a buckle-type collar or a body harness. The device used to tether can weigh no more than 10% (percent) of the animal's weight and must allow the dog access to food and water at all times. In addition to being a misdemeanor, a violation of the dog tethering ordinance would be subject to a civil penalty of \$100.00 per day for each day of the violation.

**SECTION 4-122. LEASH LAW.**

It is against the law for domesticated animals such as dogs to run unrestrained within the City Limits. They must be confined to their guardian's property or walked on a leash. Guardians of dogs can receive a misdemeanor citation for allowing their pets to run at large.

**ARTICLE B. PERMITS FOR SMALL/LARGE ANIMALS**

**SECTION 4-130. DEFINITIONS.**

The following terms respectfully ascribed to them in this section:

- A. "Large animals" mean horses, mules, donkeys, cattle, goats, sheep or any other animal of similar size or stature;
- B. "Small animals" mean rabbits, hares, guinea pigs, chinchillas, ducks, hamsters, pigeons (except homing pigeons) or any other animal of similar size or stature;
- C. "Keeper" or "person" refers to any person, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to;
- D. "Permit" is the permit issued by the city clerk upon approval of the city health officer;
- E. "Rat proof" is a state of being constructed so as to effectively prevent entry of rats; and
- F. "Health officer", as used in this chapter, means the director of the county health department or his authorized agent.

**SECTION 4-131. PERMITS REQUIRED.**

It is unlawful for any person, firm or corporation to keep, own, maintain use or have in their possession any animals, as defined in this chapter, within the corporate limits of the town; except that the animals may be kept under the conditions hereinafter set forth, provided a permit be first obtained as hereinafter provided.

**SECTION 4-132. PERMITS.**

Permits, as hereinafter referred to and required to be had as a prerequisite to the keeping, owning, maintaining, using or having in their possession any animals, as defined in this chapter, may be obtained from the town clerk after an application for the permit has been filed with and approved by the city health officer. The health officer shall approve the application only after determining that the applicant for the permit complies with the requirements for the keeping of the animals as set forth herein.

**SECTION 4-133. CLASSIFICATION OF PERMITS.**

There shall be two (2) classifications of permits that may be issued under the provisions of this chapter as follows:

- A. Permit for the keeping of small animals, the fee for which shall be One Dollar (\$1.00) per year or any fraction thereof and all permits shall expire the 31st day of December of each year; and

- B. Permit for the keeping of large animals, the fee for which shall be Two Dollars (\$2.00) per year or any fraction thereof and all permits shall expire the 31st day of December of each year.

**SECTION 4-134. NUMBER OF ANIMALS ALLOWED.**

No permit shall be issued or be valid if issued for the permitting and keeping within the town, a combined total of more than two (2) large animals or ten (10) small animals, but limited to no more than four (4) dogs. No permit shall be issued or be valid if issued for more than one large animal for each acre of land. No more than one permit may be issued for each location within the town.

**SECTION 4-135. PERMITS FOR LARGE/SMALL ANIMALS.**

- A. Permits for the keeping of large animals shall be issued only to those applicants who provide facilities for the keeping of large animals in quarters set out herein, which will confine the large animals within limits not closer than one hundred (100) feet to the exterior limits of any dwelling resided in by anyone other than the applicant unless the other building is owned by the applicant; and
- B. Permits for the keeping of small animals shall be issued only to those applicants who provide facilities for the keeping of such small animals in quarters set out herein, which will confine the small animals within limits not closer than twenty-five (25) feet to the exterior limits of any dwelling resided in by anyone other than the applicant.

**SECTION 4-136. STANDARDS.**

Practices to be observed in the keeping of the animals under this chapter. Upon the obtaining of the permit from the town clerk as provided in the preceding section, every keeper shall observe the following practices:

- A. Every keeper of any of the animals shall confine the same in an enclosure sufficient to prevent their running at large and the enclosure shall be maintained in a clean and sanitary condition at all times and approved insecticide shall be used as often as deemed necessary by the town health officer;
- B. Every keeper shall provide a shelter or area of a size sufficient to be conducive to good sanitation practices and he shall provide adequate and sanitary drainage for the shelter or area;
- C. Every keeper of any of the animals shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of a type that when closed it is rat-proof and fly-tight and after each collection shall cause the container or receptacle to be kept closed. At least twice each week, each keeper shall cause all litter and droppings so collected to be disposed of in a way as not to permit the presence of fly larvae;
- D. Every keeper of any animals shall cause all feed provided therefore to be stored and kept in a rat-

proof, fly-tight building, box, container or receptacle;

- E. The failure of any keeper of any of the animals to comply with the provisions of this chapter or the sanitation standards and requirements established by the town health officer shall be cause for the town health officer to refuse to grant a permit for the keeping of animals, or if the permit shall have been previously granted to the keeper, shall be cause for the revocation of the same. The decision of the town health officer shall be subject to review by the sanitary committee of the council if the applicant feels non-granting of permit or revocation of permit to be unjustified; and
- F. The premises shall be subject to inspection by the town health officer or any of his representatives at any reasonable hour of the day.

**SECTION 4-137. NO PERMITS FOR CERTAIN ANIMALS.**

There shall be no permit issued for the keeping of game cocks or swine and it is illegal to keep game cocks, fighting cocks or swine within the town limits.

**SECTION 4-138. DOGS EXEMPT.**

Dogs licensed as required by other ordinances are exempt from the permit and permit fee as required by this chapter, but where more than two (2) dogs are kept, all other provisions of this chapter, applicable to small animals, must be complied with.

**SECTION 4-139. NOT TO BE NUISANCE.**

It is the duty of the holder of any permit provided for in this chapter to maintain and operate the housing and keeping of the animals in such a manner as not to create a nuisance as determined by any court of competent jurisdiction.

**SECTION 4-140. ANIMALS FOR SCIENTIFIC STUDY.**

This article applies to the keeping of animals within the limited number herein set forth, in medical laboratories and educational institutions for medical research or in veterinarian hospitals for treatment or in pet shops for resale, they shall be kept under the same conditions prescribed by this ordinance with the distance and structural requirements herein otherwise set forth.

**SECTION 4-141. PROVISIONS CUMULATIVE.**

This chapter shall be cumulative of all other sanitary chapters or regulations of the town, unless in conflict with the terms of the ordinances and regulations, in which case the terms of this chapter shall prevail.

**ARTICLE C. PENALTY**

**SECTION 4-150. 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 health officer or town police chief pursuant to this chapter, shall upon conviction thereof be punished as provided in Section 1-108 of this code.

**CHAPTER 2. (RESERVED)**

## **PART 5 - BUILDING REGULATIONS AND CODES**

### **CHAPTER 1. BUILDING CODE AND REGULATIONS**

#### **SECTION 5-101. BUILDING CODE ADOPTED.**

The International Building Code, the latest edition thereof, is hereby adopted as the building code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Building Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this code with the additions, insertions, deletions and changes if any prescribed in this chapter.

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

#### **SECTION 5-102. ADDITIONS AND CHANGES TO BUILDING CODE.**

The following sections of the International Building Code are hereby revised:

- A. Section 100.1, insert Town of South Coffeyville;
- B. Section 114.3.1, insert: "The fee schedule shall be in accordance with Sections 5-108 of the town code, or as may be set or amended by ordinance or resolution";
- C. Section 117.4, insert: "Offense, punishable by fine and imprisonment as provided in Section 1-108 of the town code of ordinances";
- D. Section 118.2, insert: "fine as provided in Section 1-108 of the town code of ordinances";
- E. Section 123.3, insert: "as set by the town board of trustees";
- F. Section 501.2, insert: "the boundaries of the fire limits as provided in the town code of ordinances";
- G. Section 1807.2.1, and 1807.22, insert: "a number of feet to be determined by the town board of trustees by motion or resolution" in both locations; and
- H. Section 1906.1, insert: "Amounts as set by the town board of trustees by motion or resolution".

#### **SECTION 5-103. PENALTY.**

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

#### **SECTION 5-104. BUILDING OFFICIAL.**

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

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

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

#### **SECTION 5-106. BUILDING PERMIT REQUIRED.**

- A. No building or other structure mobile or fixed, fence or pool, shall be built, enlarged, altered or moved without a building permit issued by the town clerk as follows:
  1. Whenever changes to a building or other structure alter the outside appearance;
  2. Whenever a building or structure is to be moved from without the town to a location within the town or from one location in the town to another location within the town.
- B. A person desiring a building permit shall submit an application therefore to the town clerk. The applicant shall submit with the application such reasonable information as the clerk may require to enable him to determine whether granting the permit would be in accordance with the requirements of the ordinances of the town.
- C. If the application is in accordance with the requirements of the ordinances and laws, the clerk shall issue the permit upon the payment by the applicant of a building permit fee which may be set by motion or resolution of the town board of trustees. A current copy of the fee schedule shall be kept in the office of the town clerk.
- D. A building permit is not required for the following: re-roofing as long as the dimensions do not change. Siding, guttering, window replacement s, concrete work such as foundation, driveways, patios, or paths within the setbacks. Driveways may connect to the existing street without a building permit.
- E. A building permit covers the initial plumbing and electrical installations to be made in connection with the building. (Amended 06/20/2005)
- F. A building permit is required to erect, move, or replace an existing fence or repair 50% or more of an existing fence. Open, solid wood, decorative, visually solid fences are permitted. Materials used may be, Masonry, wood, chain link, plastic, or metal. All fences must be of one solid color and material. Privacy fence may have metal posts and bracing with wood planks.

**SECTION 5-107. ENCLOSING SWIMMING POOLS; EXCEPTIONS.**

- A. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PRIVATE SWIMMING POOL.** Any permanent or portable container, tank, excavation or pool, not owned or operated by the city which is so designed and constructed as to permit its use by a person or persons for floating or swimming therein.

**WADING POOL.** Any portable tank, container or pool designed for wading or splashing therein and of insufficient size, depth and capacity to permit floating or swimming therein.

- B. All private swimming pools shall be fenced or otherwise enclosed by fencing or other enclosure of a minimum height of 48 inches. The fencing or other enclosure shall be so constructed as to prevent minor children from walking under or through the fence or enclosure. The fencing or other enclosure may be located either immediately adjacent to such swimming pool or within the boundary lines of the residential or other property upon which such pool is located. The fence or other enclosure shall be designed, constructed and located so as to exclude the general public from the property which is enclosed by such fence or other enclosure.
- C. Nothing in this section shall be interpreted or construed as applying to wading pools.

**CHAPTER 2. PLUMBING CODE**

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

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

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

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

The following sections are hereby revised as follows:

- A. Section P-100.1 (page 5, second line). Insert the Town of South Coffeyville;
- B. Section P-104.1 (page 6, second line). Insert effective date of the town's code of ordinances;

- C. Section P-114.2 (page 12, third line). Insert "as provided in Section 5-204 of the town's code of ordinances";
- D. Section P-117.4 (page 13, fifth, sixth and seventh lines). Insert "offense and punished as provided in Section 1-108 of the town's code of ordinances";
- E. Section P-118.2 (page 14, fifth line). Insert "fine as provided in Section 1-108 of ordinances";
- F. Section P-303.2 (page 32, third line). Insert "a distance in feet as determined by the town board of trustees"; and
- G. Section P-308.3 (page 33, second and third lines). Insert "a depth in feet as determined by the town board of trustees."

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

- A. The phrases and words "journeyman plumber," "plumber's apprentice," "plumbing contractor," and "plumbing," when used in the ordinances, regulations and other official acts and communications of this town, shall have the meanings respectively prescribed for them by Sections 1001 et seq. Of Title 59 of the Oklahoma Statutes, the state plumbing license law unless the context clearly indicates a different meaning.
- B. It is unlawful for any person to engage in the business, trade, or occupation of a plumbing contractor (otherwise known as a master plumber), or of a journeyman plumber, or of a plumber's apprentice, in this town unless he is registered with the plumbing inspector and has a current and valid certificate of registration issued by the plumbing inspector.
- C. Only persons who have current and valid licenses as plumbing contractors or as journeyman plumbers issued by the State Commissioner of Health as provided by the state plumbing license law may register as such with the plumbing inspector; and only persons who have current and valid certificates of registration as plumber's apprentices issued by the State Commissioner of Health as provided by the law, may register as such with the plumbing inspector.
- D. Upon application to the plumbing inspector, the plumbing inspector shall register such applicants and issue to them certificates of registration; provided that an applicant for registration as a plumbing contractor shall also furnish a bond as required by the town. Such town certificates shall not be valid after the termination or expiration of the state licenses or certificates. Registration certificates of plumbing contractors and journeyman plumbers issued as provided herein shall expire each year. The town certificates of plumber's apprentices shall expire when their state certificates expire which is five (5) years after date of issue.
- E. An applicant for a plumbing contractor's certificate of registration, after complying with the laws of the state and with the established town code, and

after payment of the fee hereinafter specified, shall be registered by the town clerk. The registration shall expire at the end of the fiscal year, and the annual renewal fee, but may be renewed from year to year. The initial registration fee shall be as set by the town board. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and the same bond is required as set forth by town code.

- F. A qualified person may register as a plumbing contractor, a journeyman plumber or a plumber's apprentice, in the same manner as in the original instance, and upon the same conditions.
- G. All plumbing contractors registrations not renewed within ninety (90) days after the date of expiration thereof shall be canceled, and a new application for registration must be made and the fee for a new registration paid.
- H. The fee for registration shall be as set by the town board by motion or resolution.
- I. The town board, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the town registration of any plumbing contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the town relating to the installation of plumbing or for any other cause specified in the state plumbing license law.

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

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

- A. No plumbing work shall be undertaken without a permit from the plumbing inspector.
- B. The application for such work must follow the adopted town code.
- C. The schedule of permit fees may be set forth by resolution or motion of the town board. Such payment will be made upon application.
- D. Inspection of such work must conform to the guidelines set forth in the town code.

**SECTION 5-205. PLUMBING INSPECTOR, OFFICE CREATED, DUTIES.**

The office of inspector of plumbing is hereby created and shall be filled and the duties of the office performed by some person appointed by the town board of trustees. Such inspector shall make inspection and testing of all plumbing and sewer connections done within the town and shall have the right to deputize any person equally qualified to make the actual inspections and report. He may and shall carry out the performance of this chapter. The testing of plumbing shall be done by filling all drains with water to the roof, and such other tests as the inspector shall deem necessary.

State Law Reference: Cities and towns to create office of plumbing inspector, 59 O.S. Section 1016.

**CHAPTER 3. ELECTRICAL CODE**

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

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

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

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

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

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

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

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

The board of trustees of the town, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations. In all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions.

**SECTION 5-305. PILOT LIGHT REQUIRED FOR IRON IN MERCANTILE OCCUPANCIES.**

In all mercantile occupancies where electric irons are used, they must be installed with approved pilot light. If pilot light is in an enclosure such as an alteration room, and additional light must be installed in a visible position outside the enclosure.

**SECTION 5-306. 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. Branch circuit conductors shall be smaller than



No. 12. Type C lamp cord will not be permitted in the kitchen or restaurants or like places where grease accumulates, nor in part of a building where live poultry is confined.

**SECTION 5-307. 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 5-308. PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE.**

- A. It is unlawful for any person to install any electrical wiring, fixtures, or apparatus in or on any building or structure in the corporate limits of this town or make extensions to any existing electrical installations without first securing a permit from the town clerk.
- B. Applications for electrical permits shall be made to the town clerk; and the applicant shall provide such plans, specifications, and other data as may be reasonably required.
- C. The fee for an electrical permit shall be as prescribed by motion or resolution passed by the town board of trustees.

**SECTION 5-309. 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 5-310. ELECTRICIANS' REGISTRATION REQUIRED, BOND.**

- A. It is unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician or appliance electrician without a certificate of registration as such secured from the electric inspector. The initial fee for an electrical contractor's registration certificate, and any renewal, to be paid to the town clerk, shall be as set by the town board. A registration certificate must be renewed within ninety (90) days following expiration of the certificate. After the expiration, an application for a new certificate must be requested and the initial fee paid again. All such certificates shall expire each year. This certificate is not transferrable to any other individual or company.
- B. Every person receiving a certificate as a electrical contractor or appliance electrician shall file with the town clerk a bond in such sum as set by the town board executed with a surety company authorized to do business in the state. The bond shall be conditioned that the principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with the law and the ordinances and other regulations of the town relating to electrical installations and in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty

work caused by poor workmanship or inferior or non-standard material; and that the town may be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as an electrical contractor or appliance electrician, as the case may be.

- C. The bond must be approved by the electrical 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. No person may be registered by the town unless he possesses the appropriate current and valid state license issued by the State Department of Health.
- E. For the installing of bell, telephone or signal systems not using over twelve (12) volts, no certificate or bond will be required. The installation of same must comply with all other requirements of the ordinances of the town.
- F. After adequate opportunity for a hearing and for just cause, the town board may revoke the certificate of an electrical contractor an appliance electrician, or a journeyman electrician.

**CHAPTER 4. LIQUEFIED PETROLEUM GAS**

**SECTION 5-401. PERSONS MUST COMPLY WITH STATE LAW.**

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

**CHAPTER 5. GAS PIPING CODE**

**SECTION 5-501. PAMPHLET ADOPTED.**

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

**CHAPTER 6. HOUSE MOVING**

**SECTION 5-601. HOUSE MOVING, LICENSE AND BOND REQUIRED.**

Every person, firm or corporation who shall engage in the business or perform services normally provided by a house mover shall be required to procure, prior to engaging in the business, a license from the town clerk, and the license fee to be set by motion or resolution by the board of trustees per fiscal year or any part thereof, and the person procuring the license shall also post a bond in the sum of Two Thousand Five Hundred Dollars (\$2,500.00) by a surety company authorized to do business in the state, which bond shall be payable to the town and shall guarantee the payment of license and building fees and damages caused to the property of the town by the performance of the work of the house mover, and shall further provide coverage to others who shall be so damaged, to the extent of the bond. (Prior Code, Sec. 54-11)

**SECTION 5-602. HOUSE MOVING, PERMIT REQUIRED.**

Any person, firm, or corporation who shall engage in the business of moving houses or buildings shall, prior to moving the building upon the streets, alleys, or public places of the town, obtain a permit for each building so moved, which permit shall be supplied by the town clerk upon the payment of the permit fee, to be set by motion or resolution by the board of trustees. (Prior Code, Sec. 54-12)

**CHAPTER 7. PENALTY**

**SECTION 5-701. PENALTY.**

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of the chapters in this part or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

**SECTION 5-702. RELIEF IN COURTS.**

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

**PART 6 – COURT**

**CHAPTER 1. MUNICIPAL COURT**

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

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

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

**SECTION 6-102. DEFINITIONS.**

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

- A. "Court" means the municipal court of the Town of South Coffeyville;
- B. "Judge" means the judge of the municipal court, including any action judge or alternate judge thereof as provided for by the statutes of this state and this chapter;
- C. "Municipality" or "this municipality" means the Town of South Coffeyville, Oklahoma;
- D. "Clerk" means the clerk of this municipality, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office;
- E. "Governing body" means the town board of trustees of the Town of South Coffeyville;
- F. "Chief of police" means the peace officer in charge of the police force of the municipality; and
- G. "This judicial district" means the district court judicial district of the State of Oklahoma wherein the government of this municipality is situated.

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

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

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

There shall be one judge of the court. A judge need not be an attorney licensed to practice law in Oklahoma. 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 of proceedings therein. He may serve as judge of other

municipal courts, if such service may be accomplished consistently with his duties as judge of this court, with the consent of the mayor and council. If no licensed attorney residing within this county is willing to accept appointment as judge, a resident of this municipality, of the age of twenty-five (25) years or older, possessed of good moral character, may be appointed judge.

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

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

**SECTION 6-106. ALTERNATE JUDGE.**

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

- A. Absent from the court;
- B. Unable to act as judge; or
- C. Disqualified from acting as judge in the case.

**SECTION 6-107. ACTING JUDGE.**

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

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

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

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

- A. A judge, other than an alternate judge or an acting judge, shall receive a salary as set by the governing body, by motion or resolution, paid in the same manner as the salaries of other officials of this municipality.
- B. An alternate judge or an acting judge shall be paid an amount as set by motion or resolution of the governing body, however payments to an acting or alternate judge shall not exceed the salary set for a judge in whose stead he sits.

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

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

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

The governing body shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the judge at least ten (10) days before the hearing. At the hearing, the judge shall be entitled to:

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

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

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

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

- A. Dies;
- B. Resigns;
- C. Ceases to possess the qualifications for the office; or
- D. Is removed, and the removal proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.

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

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

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

**SECTION 6-113. COURT MARSHAL.**

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

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

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

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

- A. The attorney for this municipality, or his duly designated assistant, shall be the prosecuting officer of the court. He shall also prosecute all alleged violations of the ordinances of the town. He shall be authorized, in his discretion, to prosecute and resist appeal, proceedings in error and review from this court to any other court of the state, and to represent this municipality in all proceedings arising out of the matters in this court.
- B. No person shall be prosecuted in the Municipal Court for the Town of South Coffeyville for violations of the Municipal Ordinance for the Town of South Coffeyville unless the complaint or citation is signed by the City Attorney or by a person designated by the Town Council to act in lieu of the City Attorney.
  - 1. The following persons are designated or authorized by the Town Council to sign complaints or citations for prosecution in Municipal Court in addition to the City Attorney, tow wit: Any of the five town council members duly elected by the Town of South Coffeyville.
  - 2. Nothing in this section is intended to prevent or interfere with the waiver of the requirements set forth above by the Defendant in Municipal Court by failing to timely object to any unsigned citation or complaint or by other means of waiver as provided by law.

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

The court clerk of the court shall give bond, in the form provided by Section 27-111 or Title 11 of the Oklahoma

Statutes. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives.

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

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

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

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

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

All prosecutions for violations of ordinances of this municipality shall be styled "The Town of South Coffeyville vs. (naming defendant or defendants)". Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint, and setting forth concisely the offense charged and approved for filing by the town attorney.

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

- A. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this municipality, committed by a resident thereof, in lieu of arresting such a person, he may take his name, address, operator's license number, and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by the mayor or his duly designated delegate, a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time, not later than the date specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.
- B. If the alleged traffic violation is committed by a nonresident or resident of this municipality, the police officer may:
  1. Release the person after obtaining sufficient information as set out in Subsection A of this section pending his appearance on a day certain in court, as specified in the citation after the person:

- i. Posts cash bail;

- ii. Deposits with the arresting officer a guaranteed arrest bond certificate; or

- iii. Deposits with the arresting officer a valid license to operate motor vehicle in exchange for a receipt therefor issued by the arresting officer as provided in Section 6-125 of this code.

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

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

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

#### **SECTION 6-121. CREATION OF TRAFFIC VIOLATIONS BUREAU.**

- A. There is hereby established a traffic violations bureau for the town. The judge may establish rules, consistent with the laws of the state and with the ordinances of this municipality, for the traffic violations bureau.
- B. The traffic violations bureau shall be staffed by court personnel and be physically separate and apart from the police department.
- C. The traffic violations bureau shall accept fines which may be paid in lieu of a court appearance for such traffic offenses as may be designated by the judge under the court's rules. The schedule of fines shall be adopted by the governing body from time to time by motion or resolution. A copy shall be kept in the clerk's office.
- D. All such fines shall be the minimum penalty prescribed for such violation, and no costs shall be assessed.
- E. In no event shall payment of a fine without court appearance be accepted in the traffic violations bureau for the following offenses:
  1. A second or subsequent offense of the same violation;

2. Driving under the influence of intoxicating liquor or drugs or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs;
  3. Leaving the scene of an accident;
  4. Driving while license is suspended or revoked;
  5. Reckless driving;
  6. Careless driving; or
  7. Any charge made because of a motor vehicle accident in which personal injury or death occurred.
- F. 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.

**SECTION 6-122. SUMMONS FOR ARREST.**

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

**SECTION 6-123. FORM OF ARREST WARRANT.**

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

The Town of South Coffeyville to the Marshal of the Municipal Court of South Coffeyville, Oklahoma.

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

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

Judge of the Municipal Court  
South Coffeyville, Oklahoma.

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

**SECTION 6-124. PROCEDURES FOR BAIL OR BOND.**

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

**SECTION 6-125. DEPOSIT OF DRIVER'S LICENSE AS BAIL FOR TRAFFIC VIOLATIONS.**

- A. In addition to the other methods for providing or posting of bail authorized in this chapter upon arrest for traffic violations, the defendant may deposit with the police officer a valid license to operate a motor vehicle in exchange for a receipt therefor issued by the police officer. The receipt issued by the police officer shall be recognized as an operator's license and shall authorize the operation of a motor vehicle until the time and date of the hearing indicated on the receipt or traffic citation, but not to exceed twenty (20) days. The operator's license and traffic citation shall be delivered by the police officer to the clerk of the municipal court.
- B. Any person who applies for a duplicate license to operate a motor vehicle while his license is deposited in accordance with Subsection A of this section shall be fined up to One Hundred Dollars (\$100.00) and court costs. Each such application shall constitute a separate violation. In order for the fine to be applicable to a violator applying for a duplicate license notice of the provisions of Subsection B of this section shall be included in receipt issued pursuant to this section. The receipt for deposit of the driver's license shall contain essentially the following notice:

"NOTICE"

"This receipt for deposit of a valid license to operate a motor vehicle constitutes a temporary operator's license until your hearing date on , but in no case shall this temporary license remain in effect more than twenty (20) days. Keep this receipt in your possession at all times while operating a motor vehicle."

"Application for a duplicate license to operate a motor vehicle while your license is deposited as bail is a crime punishable by a fine of up to One Hundred Dollars (\$100.00) and court costs. Each such application constitutes a separate offense."

**SECTION 6-126. ARRAIGNMENT AND PLEADINGS BY DEFENDANT.**

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the municipality, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date.

**SECTION 6-127. TRIALS AND JUDGMENTS.**

- A. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.
- B. The defendant must be present in person at the trial.
- C. In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal criminal courts, or by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.
- D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.
- E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.
- F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.
- G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each Twenty-Five Dollars (\$25.00) of fine. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the status of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

**SECTION 6-128. WITNESS FEES.**

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

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

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

**SECTION 6-129. 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 Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes.

**SECTION 6-130. IMPRISONMENT, WORK BY PRISONERS.**

- A. If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county or other appropriate police officer. Such copy shall be sufficient warrant for execution of the sentence.
- B. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving two (2) days of imprisonment under his sentence.
- C. The chief of police, subject to the direction of the governing body, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or by some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor.

**SECTION 6-131. FINES AND COSTS.**

If Judgment of conviction is entered, the clerk of the court shall tax the costs of \$30.00 (Thirty Dollars) to the defendant, plus fees and mileage of witnesses and jurors,

but the total amount of the fine may not exceed the amount set forth in Section 1-108 of this code.

**SECTION 6-132. DEDUCTION FROM FINES FOR TRAINING FUND.**

Beginning October 1, 1983, for every fine of Ten Dollars (\$10.00) or more collected by the municipal court, Two Dollars (\$2.00) shall be set aside for the state law enforcement officers training fund. The town treasurer beginning January 1, 1984, and every quarter thereafter, shall deposit the monies set aside from the previous quarter pursuant to the first sentence of this section into the state law enforcement officers training fund.

State Law Reference: Similar provisions, 20 O.S. Section 1313.1.

**CHAPTER 2. (RESERVED)**



**PART 7 - FINANCE AND TAXATION**

**CHAPTER 1. FINANCE AND BUDGET ADMINISTRATION**

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

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

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

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

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

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

**SECTION 7-103. CONTRACTUAL SERVICES DEFINED FOR PURCHASING.**

“Contractual services,” for the purpose of this chapter means services performed for the town by persons not in the employment 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 employment of the town.

**SECTION 7-104. PURCHASES, HOW MADE.**

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.

**SECTION 7-105. WHEN PRIOR APPROVAL BY THE TOWN BOARD OF TRUSTEES IS REQUIRED.**

Every contract for, or purchase of, supplies, materials, equipment or contractual services for more than Two Thousand Five Hundred Dollars (\$2,500.00) 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.

State Law Reference: Purchase Order Act, 62 O.S. Section 310.1.

**SECTION 7-106. COMPETITIVE BIDDING.**

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 things 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. All bids shall be sealed and shall be opened in public at a designated time and place. He may repeatedly reject all bids, and again may submit to the same or other persons, firms or corporations the request for quotation, or invitation to bid, and/or again publish notice of the proposed purchase. He 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.

State Law Reference: Public competitive bidding law, bidding required on construction and public works projects over \$7,500, 61 O.S. Sections 101 et seq.

**SECTION 7-107. WHEN COMPETITIVE BIDDING IS NOT REQUIRED.**

The following may be purchased without giving an opportunity for competitive bidding:

- A. Supplies, materials, equipment or contractual services whose cost does not exceed Twenty-five Hundred Dollars (\$2,500.00) in a single transaction;
- B. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;
- C. 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;
- D. Equipment to replace existing equipment which has become inoperable when the board of trustees declares the purchase an emergency;
- E. Contractual services, including but not limited to natural gas, electricity, telephone service, purchased from a public utility at a price or rate determined by the State Corporation Commission or other governmental authority.
- F. 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
- G. 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 7-108. SALES, TOWN BOARD OF TRUSTEES TO DECLARE SURPLUS OR OBSOLETE COMPETITIVE BIDDING.**

No surplus or obsolete supplies, materials or equipment of a value of more than One Thousand Dollars (\$1,000.00) may be sold until the town board of trustees have declared them obsolete or surplus. 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 give notice in such other manner as the board of trustees deems necessary adequately to reach prospective buyers to give them opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The town board of trustees may repeatedly reject all bids and advertise or give notice again. 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.

**SECTION 7-109. WHEN COMPETITIVE BIDDING IS NOT REQUIRED ON SALES.**

The town board of trustees may sell the following without giving an opportunity for competitive bidding:

- A. Surplus or obsolete supplies, materials or equipment whose total value does not exceed One Thousand Dollars (\$1,000.00) in a single transaction; and
- B. 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 7-201. CITATION AND CODIFICATION.**

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

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

**SECTION 7-202. DEFINITIONS.**

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

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

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

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

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

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

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

**SECTION 7-206. EFFECTIVE DATE.**

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

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

The purpose of the sales tax is to provide revenues for the general municipal government of the town.

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

There is hereby levied an excise tax of one percent (2%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code including but not exclusive of the following:

- A. Tangible personal property;
- B. Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water and those specifically exempt by this chapter;
- C. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, Pullman car companies, airlines and all other means of transportation for hire;
- D. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message;
- E. Printing or printed matter of all types, kinds, and characters and the service of printing or overprinting, including the copying of information by mimeograph or multigraph or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information on magnetic tapes furnished by customers;
- F. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house or tourist camps;
- G. Service of furnishing storage or parking privileges by auto hotels and parking lots;

- H. Selling, renting or otherwise furnishing computer hardware or software or coding sheets, cards or magnetic tapes on which pre-written programs have been coded, punched or otherwise recorded;
- I. Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;
- J. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this chapter;
- K. Dues or fees to clubs including free or complimentary dues or fees which shall have the value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;
- L. Sales of tickets, fees or other charges made for admission to or voluntary contributions made to places of amusement, sports entertainment, exhibition, display or other recreational events or activities, including free or complimentary admissions which shall have the value equivalent to the charge that would have otherwise been made;
- M. Charges made for the privilege of entering or engaging in any kind of activity, when no admission is charged spectators, such as tennis, racket ball or hand ball courts;
- N. Charges made for the privilege of using items for amusement, sports, entertainment or recreational activity such as trampolines or golf carts;
- O. The rental of equipment for amusement, sports, entertainment or other recreational activities, such as bowling shoes, skates, golf carts, or other sports and athletic equipment;
- P. The gross receipts from sales through any vending machine, without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;
- Q. Gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. Provided if the rental or lease charge is based on the retail value of the property at the time of making the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;
- R. Any licensing agreement, rental, lease or other device or instrument whereby rights to possess or exhibit motion pictures or filmed performances or rights to receive images, pictures or performances for telecast by any method are transferred. Provided, persons regularly engaged in the business of exhibiting motion pictures for which the sale of tickets or admissions is taxed under this chapter shall not be deemed to be consumers or users in respect to the licensing or exhibiting of copyrighted motion picture features, shorts, cartoons and scenes from copyrighted features and the sale or licensing of such films shall not be considered a sale within the purview of this chapter;
- S. Flowers, plants, shrubs, trees and other floral items, whether or not same was produced by the vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in another state. Provided, all orders taken outside this state for delivery within this state shall not be subject to the tax levied by this chapter;
- T. Tangible personal property sold to persons, peddlers, solicitors or other salesmen, for resale where there is likelihood that this state will lose tax revenue due to the difficulty of enforcing this chapter because of:
  - 1. The operation of the business;
  - 2. The nature of the business;
  - 3. The turnover of independent contractors;
  - 4. The lack of place of business in which to display a permit or keep records;
  - 5. Lack of adequate records;
  - 6. The persons are minors or transients;
  - 7. The persons are engaged in service businesses; or
  - 8. Any other reasonable reason;
- U. Any taxable services and tangible personal property including materials, supplies and equipment sold to contractors for the purpose of developing and improving real estate even though such real estate is intended for resale as real property are hereby declared to be sales to consumers or users and taxable; and
- V. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, are hereby declared to be sales to consumers or users and taxable.

**SECTION 7-209. EXEMPTIONS; SALES SUBJECT TO OTHER TAX.**

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

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

**SECTION 7-210. EXEMPTIONS; GOVERNMENTAL AND NON-PROFIT ENTITIES.**

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

- A. Sale of tangible personal property or services to the United States government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of the state; provided, all sales to contractors in connection with the performance of any contract with the United States government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this chapter, except as hereinafter provided;
- B. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;
- C. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;
- D. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members;

- E. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;
- F. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;
- G. Sales of tangible personal property or services to the town board of trustees by organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Girls shall be exempt from sales tax; or
- H. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above named subdivision or agencies of this state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than sixty (60) days or both.

**SECTION 7-211. EXEMPTIONS; GENERAL.**

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

- A. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;
- B. Transportation of persons where the fare of each person does not exceed One Dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;

- C. Carrier sales of newspapers and periodicals made directly to consumers. Other sales of newspapers and periodicals where any individual transaction does not exceed seventy-five cents (\$0.75). A carrier is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;
  - D. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in this chapter. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit;
  - E. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television;
  - F. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;
  - G. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patient medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes; and
  - H. Nothing herein shall be construed as limiting or prohibiting the town from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or any other use after December 31, 1980. The sales tax levied by the town on natural or artificial gas and electricity shall be in effect regardless of any ordinance or contractual provisions referring to previously imposed state sales tax on such items.
- A. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:
    - 1. Farm, orchard or garden products;
    - 2. Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced;
    - 3. Livestock sold by the producer at a special livestock sale; and
    - 4. The provisions of this paragraph shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out herein;
  - B. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;
  - C. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:
    - 1. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;
    - 2. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic of draft animals used directly in the producing and marketing of agricultural products;
    - 3. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;
    - 4. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;
    - 5. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals; and
    - 6. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;

**SECTION 7-212. EXEMPTIONS; AGRICULTURE.**

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

- D. Sales of items to be and in fact used in the production of agricultural products. Sale of the

following items shall be subject to the following limitations:

1. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business;
  2. Sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that he is engaged in the business of applying such materials to lands owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching, and shall show in the certificate the name or names of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land, and he shall further certify that his contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption;
  3. Sales of agricultural fertilizer to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this chapter, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this section, "agricultural fertilizer" means any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants;
  4. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in non-commercial flower and vegetable gardens;
  5. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this act, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and
  6. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permit; or
- E. Sale of farm machinery, repair parts thereto or fuel, oil lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permit.

#### **SECTION 7-213. EXEMPTIONS; MANUFACTURERS.**

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

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

- B. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;
  - C. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under this chapter. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
  - D. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily know as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable container in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this code. This exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise; or
  - E. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state.
- 3. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to his interest in the property prior to the transfer;
  - 4. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or
  - 5. From a partnership to the members thereof when made in kind in the dissolution of such partnership; or
- B. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales or use tax has previously been paid on such tangible personal property.

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

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

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

- A. The tax herein levied shall be paid to the tax collector at the time and in the form and manner provided for payment of state sales tax.
- B. The bracket system for the collection of the town sales tax by the tax collector shall be the same as is hereafter adopted by the agreement of the town and the tax collector, in the collection of both the town sales tax and the state sales tax.

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

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

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

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor. It is the duty of each and every vendor in this town to collect from the consumer or user the full amount of the tax levied by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.
- B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until

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

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

- A. The transfer of tangible personal property, as follows:
  - 1. From one corporation to another corporation pursuant to a reorganization. As used in this subparagraph the term "reorganization" means a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;
  - 2. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;

paid, and shall be recoverable at law in the same manner as other debts.

- C. A vendor, as defined hereunder, 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 the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in Section 1-108 of this code.
- D. Any sum or sums collected or required to be collected in accordance with this chapter shall be deemed to be held in trust for the town. Any person, firm, corporation, joint venture or association that wilfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in Section 1-108 of this code.

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

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

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

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

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

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

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

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

**SECTION 7-223. FRAUDULENT RETURNS.**

In addition to all civil penalties provided by this chapter, the 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, and upon conviction thereof the offending taxpayer shall be subject to a fine as provided in Section 1-108 of this code.

**SECTION 7-224. RECORDS CONFIDENTIAL.**

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

**SECTION 7-225. AMENDMENTS.**

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

**SECTION 7-226. PROVISIONS CUMULATIVE.**

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



**PART 8 - HEALTH AND SANITATION**

**CHAPTER 1. WEEDS AND TRASH**

**SECTION 8-101. ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.**

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, alley, or right of way. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-110.

**SECTION 8-102. DEFINITIONS.**

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

- A. "Weeds" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
  - 1. Exceeds Ten (10) inches in height, except healthy trees, shrubs or produce for human consumption or own in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community of 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.

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;

- B. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned; and
- C. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.
- D. "Inoperable" means in a condition of being junked, wrecked, wholly or partially dismantled, abandoned, unlicensed, or unable to perform the functions or purposes for which it was originally intended.

- E. "Vehicle" means any automobile, truck, tractor, or motorcycle which as originally designed contained an engine, regardless of whether it now contains an engine.
- F. "Person" shall mean any individual, partnership, association, corporation, or their agent as owner, lessee, tenant or occupant.
- G. "Fence" shall mean either artificial or natural screening which obstructs and prevents the view of the articles subject to this section and prohibits ready access to the area by children. The fence shall be of sufficient and uniform height so that no such articles can be seen from the surrounding area and shall be constructed of material which is compatible with the character of the neighborhood in which it is located. The "fence" or "fencing" shall be subject to the approval of the city.

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

Any officer or employee of the town who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the town, shall report the condition to the town clerk if, as a result of the accumulation or growth, the premises appear to be:

- A. Detrimental to the health, benefit and welfare of the public and the community;
- B. A hazard to traffic;
- C. A fire hazard to property; or
- D. Any two (2) or more of these conditions.

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

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

- A. Upon receiving the report provided for in Section 8-103 of this code, or upon receipt of equivalent information from any reliable source, the town clerk shall place the matter upon the agenda of the town board for hearing and consideration at an appropriate date which will permit the giving of the notices prescribed by state law. At the hearing the board shall consider whether the premises, by reason of the conditions specified, are detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, or a fire hazard to property, or any two (2) or more of such conditions.
- B. At least ten (10) days prior to the hearing, the town clerk shall give written notice of the hearing by posting upon the premises and by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of

general circulation one time not less than ten (10) days prior to the date of the hearing.

- C. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the town board shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the board determines that any of the conditions specified in Section 8-103 of this code exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed unless within ten (10) days from the date of receipt of the notice or date of publication the owner either:
1. Cuts, removes or destroys the trash or weeds in accordance with the notice; or
  2. Gives written consent authorizing the town to abate the trash or weeds, thereby waiving his right to a hearing.

**SECTION 8-105. WORK DONE BY EMPLOYEES OR CONTRACT.**

The work ordered to be performed under Section 8-104 of this code may be done by the employees of this town under supervision of the town 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.

**SECTION 8-106. DETERMINATION AND ASSESSMENT OF COSTS.**

Upon the completion of the work ordered to be performed under Section 8-105 of this code, the town clerk shall report the cost thereof to the town board. Such report shall be itemized as to each tract of property involved as follows: 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 costs of the work. The board shall direct the town clerk to forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies.

**SECTION 8-107. LIEN ON THE PROPERTY, CIVIL REMEDY.**

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the notice prescribed by Section 8-106 hereof, the town clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of this state. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided in this section the town may pursue any civil remedy for collection of the amount owing and

interest thereon. Upon receiving payment, if any, the town clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

Cross Reference: See also Section 8-308 of this Code for adding cost of abatement to utility bills.

**SECTION 8-108. SERVICE OF NOTICE.**

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.

**SECTION 8-109. UNLAWFUL TO DEPOSIT RUBBISH EXCEPT WHERE AUTHORIZED.**

- A. 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, and alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this town, except at the tree dump located on the Northeast side of the town where the Town residents may dump trees, tree limbs, brush, garden trimmings, and leaves only.
- B. Any unauthorized dumping will be subject General Penalty in Section 1-108 of this ordinance.

**SECTION 8-110. BURNING REFUSE.**

- A. It is unlawful to willfully burn any trash or refuse or any type material within the town.
- B. It is unlawful for any person to burn trash, waste paper, rubbish or refuse except under a permit issued by the State Health Department or U.S. Environmental Protection Agency.

**SECTION 8-111. REMOVAL OF DEAD ANIMALS.**

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

**SECTION 8-112. UNLAWFUL TO LITTER.**

- A. Littering is defined as throwing any trash, refuse, waste paper, tin cans, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the town or upon any real property owned or occupied by another.
- B. It is unlawful for any person to litter.

**SECTION 8-113. UNLAWFUL TO LITTER FROM AUTOMOBILES.**

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the town any litter, trash, waste paper, tin cans or any other substance or refuse whatever.

**SECTION 8-114. LITTER NOT TO ACCUMULATE ON PROPERTY.**

- A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.
- B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

**SECTION 8-115. PENALTY.**

Any person, firm or corporation found violating any provision of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined as provided in Section 1-108 of this code and/or a lien assessed against the property for administrative costs and mowing charges.

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

**CHAPTER 2. FOOD REGULATIONS**

**SECTION 8-201. U.S. FOOD SERVICE SANITATION ORDINANCE ADOPTED.**

- A. 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. At least one copy of the sanitation ordinance and code shall be on file in the office of the town clerk. 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. In the sanitation ordinance and code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: Subsection H.2.e., H.7 and H.8.
- B. "Health Authority" shall mean the director of the county health department of this county or his designated representative.
- C. Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation.

State Law Reference: State food regulations, 63 O.S. Sections 1-1101 et seq.

**SECTION 8-202. MILK ORDINANCE ADOPTED.**

Part II of the Grade A Pasteurized Milk Ordinance, latest edition, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the town limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least one copy of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16 and 17 of the abridged ordinance shall be replaced, respectively by Sections 8-203 and 8-204 of this code.

State Law Reference: State laws regulating milk standards, 63 O.S. Sections 1-1301 et seq.; manufacture of milk, 2 O.S. Sections 7-1 et seq.

**SECTION 8-203. GRADE REQUIREMENTS.**

Only grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, grocery stores or similar establishments; provided that in an emergency, or the grade which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

**SECTION 8-204. VIOLATION; PENALTY.**

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

**CHAPTER 3. NUISANCES**

**SECTION 8-301. NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES.**

- A. A nuisance is unlawfully doing an act or omitted to perform a duty or is anything or condition which either:
  - 1. Annoys, injures or endangers the comfort, repose, health or safety of others;
  - 2. Offends decency;
  - 3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
  - 4. In any way renders other persons insecure in live or in the use of property.
- B. A public nuisance is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.
- C. Every nuisance not included in Subsection B above is a private nuisance.

State Law Reference: Nuisances defined, municipal powers to abate, 50 O.S. Sections 1 et seq.

**SECTION 8-302. PERSONS RESPONSIBLE.**

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

**SECTION 8-303. TIME DOES NOT LEGALIZE.**

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

**SECTION 8-304. REMEDIES AGAINST PUBLIC NUISANCES.**

The remedies against a public nuisance are:

- A. Prosecution on complaint before the municipal court;
- B. Prosecution on information or indictment before another appropriate court;
- C. Civil action; or
- D. Abatement:
  - 1. By person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
  - 2. By the town in accordance with law or ordinance.

**SECTION 8-305. REMEDIES AGAINST PRIVATE NUISANCES.**

The remedies against a private nuisance are:

- A. Civil action; or
- B. Abatement:
  - 1. By person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or
  - 2. By the town in accordance with law or ordinance.

**SECTION 8-306. TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES.**

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the town has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the town has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be done.

**SECTION 8-307. CERTAIN PUBLIC NUISANCES IN THE TOWN DEFINED.**

In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances.

- A. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
- B. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the state law or ordinance of the town;
- C. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
- D. The keeping of a place where persons gamble, whether by cards, slot machines, punch boards or otherwise;
- E. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;
- F. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
- G. The conduct or holding of public dances in violation of the ordinances of the town; or the keeping of a place where such dances are held;
- H. The public exposure of a person having a contagious disease;
- I. The continued making of loud or unusual noises which annoy persons or ordinary sensibilities; or the keeping of an animal which makes such noises;
- J. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;
- K. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
- L. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;
- M. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;
- N. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;

- O. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
- P. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
- Q. Any fire or explosion hazard which endangers the public safety;
- R. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
- S. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance.
- T. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district; or
- U. No person shall park, maintain, deposit or store an unlicensed or inoperable vehicle on any street, alley, or other public property, or on the adjacent yard or driveway of any residence within the city or upon any lot or land within the city unless:
  - 1. Said vehicle is enclosed in a garage or other building;
  - 2. Said vehicle is enclosed behind a fence.
  - 3. Said vehicle is in a licensed salvage yard.
- V. No vehicle which is parked adjacent to any commercial service station or commercial garage and awaiting repairs shall be considered "inoperable" unless said vehicle remains parked for thirty (30) or more days. (Eff. 09/9/02)

The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

**SECTION 8-308. SUMMARY ABATEMENT OF NUISANCES.**

- A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the mayor or other appropriate officer or agency of the town government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.
- B. The chief of the fire department, the chief of police, the town attorney, the building inspector, the electrical inspector, the plumbing inspector or

any other officer subordinate to the mayor may submit through or with the consent of the mayor to the town board of trustees, a statement as to the existence of a nuisance as defined by the ordinances of the town of law, and a request or recommendation that it be abated. The mayor himself, the health officer and board of trustees or any resident or residents of the town may submit such a statement and request a recommendation to the board of trustees.

- C. The board of trustees shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the board of trustees shall have power to subpoena and examine witnessed, books, papers and other effects. Before proceeding to abate the nuisance or have it abated, the board of trustees shall give notice of a hearing on the proposed abatement to the owner of any property concerned and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the town.
- D. If the board of trustees finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the board of trustees shall direct the mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The town clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town collectible as other debts to the town may be collected.
- E. The cost of abatement of nuisances, if ordered by the town, may be added onto the utility bill servicing the same premises or added to the tax rolls as a lien against the property.
- F. Whenever there exists an apparent violation of Section 8-307, paragraph 21, the city shall serve notice of the violation upon the occupant of the real property upon which such inoperable vehicle or other condition is located. The notice may be served personally, or by posting the notice on the inoperable vehicle or some other conspicuous place upon said real property. The notice shall inform such person of the violation and request that compliance with this article be accomplished

within fourteen (14) days after service of the notice. (Eff. 9/9/02)

- G. In the event such person fails to comply with the provisions of this article within fourteen (14) days after service of the notice, the city may cause the inoperable vehicle to be removed and placed or stored in a safe and convenient place. The person in possession of such vehicle and any personal property therein shall be responsible only for the reasonable care of such property. (Eff. 9/9/02)
- H. Any inoperable vehicle which has been impounded as provided in this section for thirty (30) days or more shall be disposed of in the following manner: The city shall publish a notice once a week for two consecutive weeks in a newspaper of general circulation in the city, which notice shall describe the motor vehicle by name of maker, model, color and serial number and shall state that it has been impounded and will be sold at public auction to the highest bidder, if the owner thereof does not claim it within ten (10) days of the date of the second publication of the notice and pay the removal, storage and publication charges incurred by the city. (Eff. 9/9/02)

**SECTION 8-309. ABATEMENT BY SUIT IN DISTRICT COURT.**

In cases where it is deemed impractical summarily to abate a nuisance the town may bring suit in the district court of the county where the nuisance is located, as provided in Section 17 of Title 50 of the Oklahoma Statutes.

**SECTION 8-310. NUISANCE UNLAWFUL.**

It is unlawful for any person, including but not limited to any owner, lessee, or other person to create or maintain a nuisance within the town or to permit a nuisance to remain on premises under his control within the town.

**SECTION 8-311. HEALTH NUISANCES; ABATEMENT.**

- A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the health officer shall have authority to order the owner or occupant of any private premises in the town to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town.
- B. If the order is not complied with, the health officer may cause the order to be executed and complied

with and the cost thereof shall be certified to the town clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other town utility bill of the owner or occupant if he is a user of water from the town water system or such other utility service. The cost shall be treated as a part of such utility bill to which it is added and shall be come due and payable, and subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any town utility service, such cost, after certification to the town clerk, may be collected in any manner in which any other debt due the town may be.

**SECTION 8-312. TOILET FACILITIES REQUIRED; NUISANCE.**

- A. For the purpose of this section, the following terms shall have the respective meanings ascribed to them herein:
  - 1. "Human excrement" means the bowel and kidney discharge of human beings;
  - 2. "Sanitary water closet" means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and
  - 3. "Sanitary pit privy" means a privy which is built, rebuilt or constructed so as to conform with the specifications approved by the state health department.
- B. Every owner of a residence or other building in which humans reside, are employed or congregate within this town shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the state health department.
- C. All human excrement disposed of within this town shall be disposed of by depositing it in closets and privies of the type provided for in the section. It is unlawful for any owner of property within the town to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the town in any other manner.
- D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery or other serious bowel disease shall be

deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.

- E. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies and closets so constructed, situated or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.

**SECTION 8-313. PROCEDURE CUMULATIVE.**

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

**CHAPTER 4. ENFORCEMENT AND PENALTY**

**SECTION 8-401. COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.**

Anywhere in this chapter where the word or words "health officer" are used it shall be construed to mean the director of the county health department or his duly designated representative. It is the intent and purpose of the mayor and town board of trustees to delegate the enforcement of the health ordinances of this town as set out in this section and any such decisions rendered under this section shall be subject to review by the governing board upon an appeal from an offender.

**SECTION 8-402. OBSTRUCTING HEALTH OFFICER.**

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

**SECTION 8-403. QUARANTINE; VIOLATIONS.**

It is unlawful for any person to willfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule or regulation of the board of health or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

**SECTION 8-404. PENALTY.**

Any person who violates any provision of this chapter or any law or code adopted by reference in this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, such person may be enjoined from continuing such violations.

**PART 9 - LICENSING AND BUSINESS REGULATIONS**

**CHAPTER 1. OCCUPATIONAL LICENSE FEES**

**ARTICLE A. GENERAL PROVISIONS**

**SECTION 9-101. LICENSE FEE LEVIED ON OCCUPATIONS.**

- A. A license fee is hereby levied on every person engaging in, exercising, or pursuing any business, profession, trade, occupation, privilege or calling in this town in such sum as the town board of trustees may require.
- B. In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the town and state. A copy of this permit shall be provided by the applicant for a license to the town clerk prior to issuance of the town license. The town clerk may require reasonable information from an itinerant or peddler or solicitor which the clerk deems desirable to protect the public interest. "Itinerant" means not residing in the town.

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Sections 22-106, 22-107.

**SECTION 9-102. EX-SERVICE PERSONS.**

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 9-103. PAYMENT OF LICENSE TAX; ISSUANCE OF LICENSE; EXPIRATION DATE.**

It is unlawful for any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege for which a license tax is levied by this code or by any other ordinance or ordinance provision without paying the license tax, and securing and possessing a valid license therefor. Upon making proper application to the town clerk, the payment of the license tax and fulfillment of any other condition which may be prescribed by law or ordinance, the town clerk shall issue a license therefor. Such license taxes shall be credited to the general fund of the town. Licenses shall expire annually.

**SECTION 9-104. SEPARATE LICENSES REQUIRED.**

Every person who engages in, exercises, or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the town, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege.

**SECTION 9-105. LICENSE TO BE DISPLAYED.**

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provided above, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible, and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this section.

**SECTION 9-106. LICENSE MAY BE REVOKED.**

Any license issued by the town to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege, may be revoked by the board of trustees after adequate opportunity for a hearing, for either of the following reasons:

- 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; or
- B. Serious or repeated violation of the law or ordinances.

**SECTION 9-107. TRANSFER OF LICENSE PROHIBITED.**

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

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

**SECTION 9-108. DUPLICATE LICENSE.**

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the town clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the town clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has been unable to find it. The fee for every duplicate license issued, payable to the town clerk, shall be set by the town board.

**SECTION 9-109. FEE FOR FORTUNE TELLING PROHIBITED.**

It is unlawful for any person or persons pretending or professing to tell fortunes by the use of any subtle craft, means, or device whatsoever, either by palmistry, clairvoyance, or otherwise, plying his or her trade, art or vocation within this town, to make any charge therefor either



directly or indirectly, or to receive any gift, donation, or compensation by any means whatsoever for the same.

**SECTION 9-110. PENALTY.**

Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license is required by this chapter, without a valid license as thereby required, or who shall violate any provision of this chapter, shall be guilty of an offense, and upon conviction, shall be fined as provided in Section 1-108 of this code. Violation of this chapter shall also be grounds for revocation or suspension of license granted.

**ARTICLE B. MISCELLANEOUS**

**SECTION 9-120. LICENSE REQUIRED FOR AMUSEMENT COMPANIES.**

It is unlawful for any amusement company, circus, street fair, vaudeville, theater, or moving picture show to operate within the corporate limits of the town, unless and until the owner or owners thereof shall obtain a license to operate such amusements, as are heretofore set forth, as hereinafter provided.

**SECTION 9-121. TOWN CLERK TO ISSUE LICENSE UPON PAYMENT OF FEE; LICENSE FEE.**

The town clerk of the town shall not issue a license to any person or persons to operate, maintain, and show any amusement company, street fair, circus, carnival, vaudeville or picture show unless and until such person or persons shall pay for the license. The sum as set by the board of trustees per week day and for each Sunday that the amusement company, carnival, circus is intending to operate, and the sums of money for such licenses is to be paid in advance of the date it is intended to operate the amusement.

**SECTION 9-122. LICENSE NOT TRANSFERABLE.**

That no license granted hereunder shall be assigned or transferred, directly or indirectly.

**SECTION 9-123. SHOWS, EXHIBITIONS, AND ENTERTAINMENTS.**

It is unlawful to show vile, obscene, or immoral moving pictures at any time or to give any kind of a show, exhibition, or entertainment which is vile, obscene, or immoral, at any time.

**SECTION 9-124. SHOOTING GALLERIES.**

Every shooting gallery constructed, established, set up, or operated hereafter shall be constructed, established, set up, and operated in accordance with the standards, specifications, and requirements of state law and comply with all the requirements thereof. No shooting gallery shall be operated until a license has been secured therefor in accordance with the chapter. Any violation of any provision of this section or of any provision of Sections 701 to 708 of Title 63 of the Oklahoma Statutes shall be deemed an offense against the town, and shall be punishable as such.

**SECTION 9-125. SHORT WEIGHTS AND MEASURES PROHIBITED.**

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

**SECTION 9-126. BILLBOARDS.**

- A. For the purpose of this section the term billboard shall mean and include sign boards, signs, bills, billboards, whether metal, wooden, paper or other material and any and all other signs regardless of size, of a commercial nature and character.
- B. It is unlawful for any person, firm or corporation to place or caused to be placed or to post or cause to be posted, any billboard, sign board or sign of a commercial nature on any property within the limits of the town without the consent of the Town Council.

**SECTION 9-127. PENALTY.**

Any person, firm, or corporation who engages in any business, profession, trade, or occupation, or exercises any privileges, for which a license or permit is required by this chapter, without a valid license or permit as thereby required, or who otherwise violates any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be fined as provided in Section 1-108 of this code.

**CHAPTER 2. DOOR-TO-DOOR SOLICITATION GENERAL**

**SECTION 9-201.DOOR-TO-DOOR SOLICITAION.**

Door-to-door solicitation is defined as going on private premises upon which is located a dwelling or business establishment within the town of South Coffeyville, Oklahoma. without the prior permission of the owner or occupant thereof for the purpose of soliciting orders for the sale of goods, wares, merchandise, or services or for the purpose of soliciting donations by offering to deliver or make an actual deliver of goods, wares, merchandise, or agree to perform or performing services in exchange for the donation of money. The term door-to-door solicitations shall not apply to activities, the proceeds from which are for the exclusive use of charitable, religious, political, or other non-profit purpose. An organization is deemed to be non-profit if it has achieved such status under the Internal Revenue Service Code (IRC 501 (c) (3)).

**SECTION 9-202. REGISTRATION TO ENGAGE.**

Each individual desiring a registration certificate to engage in door-to-door solicitations shall file their application with the City Clerk on a form furnished by the City Clerk. Upon receipt of such application, and a fee of \$25.00, the City Clerk shall register the applicant and issue a registration certificate.

**SECTION 9-203. TIME PERIOD FOR DOOR-TO-DOOR SOLICITATION.**

Every registration certificate issued herein shall be issued for a 24 hour period of time to be utilized only between the

hours of 9:00 a.m. and 6:00 p.m. Monday through Saturday, and is NOT permitted on Sundays or legal holidays, and shall be terminated upon its expiration. Upon complaint and evidence of good cause, the Governing Body, upon a hearing of the matter, affording the registered solicitor an opportunity to be heard, may permanently deny issuance of a registration certificate.

**SECTION 9-204. PENALTY.**

Any person who shall fail and refuse to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by fine not more Five Hundred Dollars (\$500) maximum per Section 1-108 of this code, and/or incarceration in the Nowata County jail for not more than 30 days.

**PART 10 - OFFENSES AND CRIMES**

**CHAPTER 1. OFFENSES IN GENERAL**

**SECTION 10-101. ATTEMPTS TO COMMIT AN OFFENSE.**

Every person who attempts to commit an offense against the ordinances of the town, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself.

**SECTION 10-102. AIDING IN AN OFFENSE.**

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender.

**CHAPTER 2. OFFENSES AGAINST PROPERTY**

**SECTION 10-201. PETIT LARCENY PROHIBITED.**

- A. Petit larceny is the taking of personal property of value not exceeding Fifty Dollars (\$50.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.
- B. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor.
- C. Any person who pumps gasoline or diesel, into the fuel tank of a vehicle, or containers designed to transport gasoline or diesel, and leaves the premises where the gasoline was pumped without making payment for the gasoline or diesel shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or confinement in the county jail for a period of not more than sixty (60) days, or by both such fine and imprisonment

State Law Reference: Petit larceny defined, 21 O.S. Sections 1704, 1706.

State Law Reference: Gasoline Pump Thievery, 21 O.S. Chapter 68, Section 1740

**SECTION 10-202. INJURING AUTOMOBILES AND OTHER VEHICLES.**

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy, loiter in, or injure any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof.

**SECTION 10-203. DESTROYING OR INJURING BUILDINGS AND OTHER PROPERTY.**

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property

wrongfully with the use of any such property by its owner or any other person entitled to its use.

**SECTION 10-204. PLACING SIGNS ON PROPERTY OF ANOTHER.**

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof.

**SECTION 10-205. THROWING OR SHOOTING AT PERSONS OR PROPERTY.**

It is unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or another property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property.

**SECTION 10-206. TAMPERING WITH OR DAMAGING PUBLIC UTILITIES.**

It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to any pipe, line, wire or other conductor carrying gas, water or electricity and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water or electricity without it passing through the meter or any other way so as to evade payment therefore. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system.

**SECTION 10-207. UNLAWFUL INTRUSION UPON LAND.**

It is unlawful for any person to intrude or squat upon any lot or piece of land within the town without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the town, any hut, shanty, hovel, or other structure without authority of law or ordinance.

**SECTION 10-208. ILLEGAL ENTRANCE.**

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or any notice or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge.

Cross Reference: See also trespass, Section 10-214 of this code.

**SECTION 10-209. THROWING ADVERTISING ON STREET, PROHIBITED.**

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

Cross Reference: For provision prohibiting placing signs on property of another without consent, etc., see Section 10-205 of this code.

**SECTION 10-210. THROWING INJURIOUS SUBSTANCES.**

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal.

**SECTION 10-211. INJURY TO PLANTS AND TREES.**

It is unlawful for any person to wilfully and without authority cut, pull, pluck or otherwise injure any flower, 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 and stand, bench, seat or other property situated upon such park or ground, any person violating this section, upon conviction, shall be deemed guilty of an offense.

**SECTION 10-212. PUBLIC STREETS AND TREES.**

It is unlawful for any person to:

- A. 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;
- B. Attach any guy wires; telephone, telegraph, or electric wire, or any wire to any live tree;
- C. 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;
- D. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the town; or to cut, break or otherwise injure any pavement, curb or gutter therein; or
- E. Connect any driveway to any street or other public place without first securing permission from the town inspector to do so.

Any such digging, removing, or driveway connection shall be done under the supervision of the street superintendent or town engineer.

**SECTION 10-213. TRESPASS PROHIBITED.**

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

- 1. "Public property" means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;
- 2. "Private property" means any property other than public property; and
- 3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this paragraph shall not apply to persons, including employees, whose presence of such premises is authorized by the owner or by a person in lawful possession of such premises nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

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

Cross Reference: For provisions on illegal entrance, see Section 10-209 of this code.

**SECTION 10-214. PARKING ON PROPERTY OF ANOTHER.**

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the expressed or tacit consent of the owner or person in charge or by authority of law or ordinance.

**SECTION 10-215. INTERFERENCE WITH FIRE HYDRANTS.**

- A. It is unlawful for any person except one duly authorized by the town utility personnel or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stopcock belonging to the town.
- B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant.

**CHAPTER 3. OFFENSES AGAINST THE PUBLIC**

**SECTION 10-301. DISTURBING THE PEACE.**

- A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection B of this section.
- B. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:
  - 1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
  - 2. Appearing in an intoxicated condition;
  - 3. Engaging in a fistic encounter;
  - 4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;
  - 5. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;
  - 6. Holding an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;
  - 7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;
  - 8. Making unnecessarily loud, offensive noises;
  - 9. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or
  - 10. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

**SECTION 10-302. INSULTING SIGNS; LITERATURE OR LANGUAGE.**

- A. It is unlawful for any person, firm or corporation within the town to display any sign, emblem, badge, flag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the town, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.

- B. It is unlawful for any person to 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 10-303. FIREWORKS REGULATED.**

- A. For the purpose of this section, "fireworks" shall have the meaning prescribed by state law, Section 1622 of Title 68 of the Oklahoma Statutes.
- B. The purchase, sale, offer for sale, use, discharge, ignition or possession of fireworks within the corporate limits of the town is hereby prohibited except for:
  - 1. Authorized public displays approved by the town in accordance with its fire prevention code; or
  - 2. No person shall offer fireworks for sale to residents of the State of Oklahoma at retail before the 15th day of June or after the 5th day of July and before the 15th day of December or after the 1st day of January in each year; (amended 10/16/00) and
  - 3. Ignition, use or discharge may take place on June 15th through July 5th, and December 31st and January 1st. of each year. Inside the Town limits of South Coffeyville, hours of ignition, use, or discharge will be Sunday through Thursday excluding the (3rd and 4th of July) between the hours of 8:00 a.m. and 10:00 p.m. and Friday and Saturday, and including (Jul y 3rd and 4th) between the hours of 8:00 a.m. and 11:59 p.m. December 31st and January 1st between the hours of 9:00 p.m. on the 31st and 12:30 a.m. on January 1st, of each year.
- C. Any person selling or offering to sell fireworks shall first receive a permit from the town and pay a permit fee in such sum as set by the town board. No sales or stands may take place on town property.

State Law Reference: Bottle rockets prohibited by state law, 68 O.S. Section 1624; state fireworks licenses required, 68 O.S. Sections 1621 et seq.

Cross Reference: Fire Prevention Code, Section 13-101.

**SECTION 10-304. STORING OR KEEPING EXPLOSIVES.**

It is unlawful for any person to store or keep within the town any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance of any kind without having first complied with the laws of the state for the purpose of selling, storing or keeping such items.

**SECTION 10-305. CARRYING WEAPONS; EXCEPTIONS.**

It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, dagger, Bowie knife, switch-blade 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.

State Law Reference: State Firearms Act, 21 O.S. Sections 1289.1 et seq.

**SECTION 10-306. RECKLESS CONDUCT.**

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person.

**SECTION 10-307. DISCHARGING FIREARMS; EXCEPTIONS.**

No person shall discharge any species of firearm, in the town 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.

Cross Reference: See also Section 10-206 for provisions on throwing or shooting at persons or property.

**SECTION 10-308. LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.**

It is unlawful for any person to disturb the peace and quietude of any part of the town by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

**SECTION 10-309. DISORDERLY CONDUCT.**

“Disorderly conduct” means a course of conduct by a person who:

- A. Causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:
  - 1. engaging in fighting or in violent, tumultuous, or threatening behavior,
  - 2. making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present,
  - 3. dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority, or
  - 4. creating a hazardous or physically offensive condition which serves no legitimate purpose; or
- B. Engages with at least one other person in a course of disorderly conduct as defined in

paragraph 1 of this subsection which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse, made by a peace officer to the participants. (State law reference: Oklahoma State Statute 21-1321.9)

**CHAPTER 4. OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS**

**SECTION 10-401. PUBLIC INTOXICATION AND DRINKING PROHIBITED.**

- A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the town in a state of intoxication. It is unlawful for any person to drink intoxicating or non-intoxicating liquor or beverage, as defined by Section 163.1 of Title 37 of the Oklahoma Statutes, upon or in any street, alley, or other public place within the town. It is unlawful to use, sell or furnish to another any illegal drug or narcotic in any place in the town except as legally prescribed by a physician.
- B. For the purposes of this section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, non-intoxicating, spirituous, vinous or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others.

**SECTION 10-402. POSSESSION; TRANSPORTATION OF INTOXICATING AND NON-INTOXICATING BEVERAGES.**

- A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating or non-intoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the town limits.
- B. It is unlawful for any parent or guardian of a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.
- C. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating or non-intoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed unless the opened container be in the rear trunk or rear compartment. The rear trunk or compartment shall include the spare tire compartment in a station wagon or panel truck or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.
- D. For the purpose of this section “intoxicating beverage” and “non-intoxicating beverage” shall be as defined in Section 3-101 et seq. of this code.

**SECTION 10-403. INTOXICATING LIQUORS/NON-INTOXICATING LIQUORS TO INCLUDE LOW-POINT BEER.**

- A. It is unlawful:
1. For any person to barter, sell, give away or otherwise furnish to another any intoxicating or non-intoxicating liquor or beverage of any kind except as permitted by law;
  2. To have in possession or under control any intoxicating or non-intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the town any intoxicating or non-intoxicating liquor or beverage except as permitted by law;
  3. To loiter in a place where intoxicating or non-intoxicating liquor is sold, bartered, given away or otherwise furnished contrary to law; or
  4. To keep, maintain aid or abet in keeping or maintaining a place where intoxicating or non-intoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law.
  5. It shall be unlawful for any person to sell, barter, or give to any person under twenty-one (21) years of age any low-point beer, as defined in Section 163.2 of this title.
- B. "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;

**SECTION 10-404. SCHEDULE 1, SCHEDULE 2, SCHEDULE 3, SCHEDULE 4, AND SCHEDULE 5, DRUGS PROHIBITED.**

It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by the act State Statute Title 63, Chapter 2 Uniform Controlled Dangerous Substances Act, Version 2.

- A. Manufacture, grow, harvest, cultivate, propagate, plant, compound, convert, produce, process, test, pack, repack, store, distribute, dispense, possess, or possesses with intent to manufacture, distribute or dispense any other Schedule 1, Schedule 2, Schedule 3, Schedule 4 and Schedule 5 drug.
- B. Use, have inject, ingest, inhale, otherwise introduce into the human body or possess marijuana or any other schedule 1, schedule 2, schedule 3, schedule 4, or schedule 5 drug.

**SECTION 10-405. PROSTITUTION.**

- A. It is unlawful for any person to:
1. Be a prostitute;
  2. Solicit, entice, or procure another to commit or engage in any act of prostitution;
  3. Engage in any act of prostitution;
  4. Knowingly let premises for purposes of prostitution;
  5. Conduct a business or premises for prostitution; or
  6. Be a party to an act of prostitution or solicitation of prostitution in the limits of town.
- B. For the purposes of this section:
1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;
  2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and
  3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

**SECTION 10-406. DISORDERLY HOUSE.**

A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

- A. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statutes;
- B. The violation of any of the ordinances of this town or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (.5%) alcohol by volume;
- C. 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
- D. The violation of any state statute or town ordinance prohibiting gambling.

**SECTION 10-407. MAINTAINING OR LEASING A DISORDERLY HOUSE.**

- A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

- B. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to rent permission to so use such premises as a disorderly house.

**SECTION 10-408. RESIDENTS AND VISITORS TO DISORDERLY HOUSE.**

No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the town shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties.

**SECTION 10-409. NUDITY, IMPROPER DRESS; INDECENT EXPOSURE.**

It is unlawful for any person to:

- 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 10-410. DEFINITIONS; OBSCENITY REGULATIONS.**

The following terms when used in the chapter shall have the meaning respectively ascribed to them in this section:

- A. "Obscene" means 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 Title 21 of the Oklahoma Statutes; and,
  - 3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;
- B. "Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;

- C. "Person" means any individual, partnership, firm, association, corporation or other legal entity;
- D. "Disseminate" means to transfer possession of, with or without consideration;
- E. "Knowingly" means being aware of the character and the content of the material;
- F. "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state;
- G. "Performance" means any preview, play, show, skit, film, dance or other exhibition performed before an audience;
- H. "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance;
- I. "Service to patrons" means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining; and
- J. "Promote" means to cause, permit, procure, counsel or assist.

**SECTION 10-411. PROHIBITED OBSCENE CONDUCT.**

- A. It is unlawful for any person to:
  - 1. Knowingly disseminate, sell, offer for sale, publish, display, distribute, make available to the public or buy any obscene material; or
  - 2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or
  - 3. Knowingly engage or participate in any obscene performance made available to the public; or
  - 4. Provide service to patrons in such a manner as to expose to public view:
    - i. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
    - ii. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
    - iii. Any portion of the female breast at or below the areola thereof; or



- iv. Knowingly promote the commission of any of the above listed unlawful acts.
- B. Each complete or partial display or other material exhibition of any motion picture film or other material shall be deemed to constitute a separate offense. The provisions of Sections 10-410 and 10-411 shall not apply to a projectionist, assistant projectionist, usher or cashier provided such person has no financial interest in the motion picture theater so long as that person is not acting as director or manager of the theater.

**SECTION 10-412. VAGRANCY DEFINED FOR SPECIFIC ACTS, OFFENSES.**

It is unlawful to be a vagrant in the limits of the town. For the purposes of this section, a vagrant means any person who loiters or remains in or wanders about, a public or private place for any of the following purposes:

- 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 10-413. CURFEW FOR CHILDREN.**

- A. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:
  - 1. "Minor" is any person under the age of eighteen (18);
  - 2. "Parent" is the natural or adoptive parent of a minor;
  - 3. "Guardian" is any person or other than a parent who has legal guardianship of a minor;
  - 4. "Custodian" is any person over the age of twenty-one (21) years who is in loco parentis to a minor; and
  - 5. "Public place" means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or

other lawful purpose. A public place shall include but not be limited to, any store, shop, restaurant, tavern, bowling alley, café, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

- B. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, or upon any public place in the Town of South Coffeyville during the following months and at the following times: (amended 11/01/99)

School months: Between the hours of 10:00 P.M. and 5:00 A.M. Sunday through Thursday; and between the hours of 11:00 P.M. and 5:00 A.M. Fridays and Saturdays.

Summer months: Between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday; and between 12:00 A.M. and 5:00 A.M. Fridays and Saturdays

The only exceptions to the above are as follows:

- 1. When the minor is accompanied by a parent, guardian, custodian or other adult having custody or control of said minor child;
  - 2. The minor is on an emergency errand or specific business or activity directed or permitted by the parent, guardian or other adult person having the care and custody of the minor; or
  - 3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.
- C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in Subsection B of this section.
  - D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the town between the hours of curfew designated in Subsection B of this section. The provisions of this section do not apply if:
    - 1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;
    - 2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or
    - 3. The parent, guardian or other adult person herein has made a missing person notification to the town police department.

- E. The board of trustees may permit by resolution or motion procedures for advance notice or registration with the town of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time. The board of trustees may also prescribe the procedures for taking into custody minors found in violation of this section.

**SECTION 10-414. SLEEPING IN PUBLIC.**

- A. It is unlawful for any person, between the hours of 12:00 A.M. midnight and 6:00 A.M., to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place.
- B. It is unlawful for a person to loiter on or about the premises of any public or private school or other public building, or in or about a depot of a public carrier.

**SECTION 10-415. BEGGING PROHIBITED.**

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

**SECTION 10-416. GAMBLING PROHIBITED.**

RESERVED

**SECTION 10-417. BEING ABOUT PLACE WHERE GAMBLING IS GOING ON.**

RESERVED

**SECTION 10-418. HARMFUL DECEPTION.**

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver.

**SECTION 10-419. FALSE OR BOGUS CHECKS.**

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing of the value of Fifty Dollars (\$50.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted.

**SECTION 10-420. SWINDLING UNLAWFUL.**

It is unlawful to get money or property from any other person or persons or businesses under false pretenses, deception, cheating or by any other fraudulent act.

**SECTION 10-421. POSSESSION OF TOBACCO/VAPOR PRODUCTS BY PERSON UNDER 18 YEARS OF AGE.**

- A. It is unlawful for a person who is under eighteen (18) years of age to purchase, accept receipt of, or have in their possession a tobacco/vapor product, or to present or offer to any person any purported proof of age which is false, fraudulent or not actually his or her own, for the purpose of purchasing or receiving any tobacco/vapor product. Provided, however that it shall not be unlawful for such person to handle such tobacco/vapor product when it is required in the performance of such person's duties.
- B. When a person violates subsection A of this section, the City of South Coffeyville shall assess such person a fine of One Hundred Dollars (\$100.00) for a 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. (Eff. 11/16/98)
- C. It shall be unlawful for any person to sell, give or furnish in any manner any tobacco product or vapor product to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product or vapor product on behalf of any such person. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products or vapor products when required in the performance of the employee's duties.

Fine for first offense: \$100.00 plus costs

Second offense: \$200.00 plus costs, if within a 2 year period.

Third Offense: \$300.00 plus costs, if within a 2 year period

State Law Reference 37-600.3

State Law Reference: Prevention of Youth Access to Tobacco Act, 37 O.S. Chapter 4 Section 600.4 (A & B)

**SECTION 10-422. SOCIAL HOSTING.**

No person shall knowingly and willfully permit any individual under twenty-one (21) years of age who is an invitee to the person's residence, any building, structure, or room owned, occupied, leased or otherwise procured by the person or on any land owned, occupied, leased or otherwise procured by the person, to possess or consume any alcoholic beverage, any low-point beer, any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, or any combination thereof, in such place.

- A. Any person who is convicted of a violation of the provision of Section 10-422 shall be deemed guilty of a misdemeanor for the first offense and be

punished by a fine of not more than Five Hundred Dollars (\$500.00).

- B. Any person who within ten (10) years after previous convictions of a violation:
1. of Section 10-422, or
  2. Of the provisions of any law of another state prohibiting the offense provided for in subsection A of this section, or
  3. In a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section,

Shall be deemed guilty of a misdemeanor for the first offense and be punished by a fine of not more than Five Hundred Dollars (\$500.00).

- C. Any person who within ten (10) years after two or more previous convictions of a violation:
1. of Section 10-422, or
  2. Of the provisions of any law of another state prohibiting the offense provided for in subsection A of this section, or
  3. In a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section,

Shall be deemed guilty of a felony and shall be punished by a fine of not more than Two Thousand Five Hundred (\$2500.00), or by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or both such fine and imprisonment.

- D. Any person who violates section 10-422, and such actions cause great bodily injury or death of a person, shall, in addition to any other penalty provided by law, be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or both such fine and imprisonment.

**SECTION 10-423. NEGLECT OR REFUSAL TO COMPEL CHILD TO ATTEND SCHOOL.**

- A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having

custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on and after January 1, 1993, to teach a kindergarten program within the public school system shall be certified in early childhood education. All teachers hired to teach a kindergarten program within the public school system prior to January 1, 1993, shall be required to obtain certification in early childhood education on or before the 1996-97 school year in order to continue to teach a kindergarten program.

- B. It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;
2. If any child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;
3. If any child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:
  - i. the school administrator of the school district where the child attends school, and
  - ii. the parent, guardian or custodian of the child. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen
  - iii. (18) years;

4. If any child is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days; or
  5. If any child is excused from attending school for the purpose of participating in a military funeral honors ceremony upon approval of the school principal.
- C. It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides for the filing of a Child in Need of Supervision petition against the child pursuant to the Oklahoma Juvenile Code.
- D. Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:
1. For the first offense, a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or imprisonment for not more than five (5) days, or both such fine and imprisonment;
  2. For the second offense, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for not more than ten (10) days, or both such fine and imprisonment; and
  3. For the third or subsequent offense, a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the juvenile court shall constitute a separate offense.

- E. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.
- F. The court may order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine set forth in this section. The court may require that all or part of the community service be performed for a public school district.
- G. The court may order as a condition of a deferred sentence or as a condition of sentence upon conviction of the parent, guardian, or other person having custody of the child any conditions as the court considers necessary to obtain compliance with school attendance requirements. The conditions may include, but are not limited to, the following:
  1. Verifying attendance of the child with the school;
  2. Attending meetings with school officials;
  3. Taking the child to school;
  4. Taking the child to the bus stop;
  5. Attending school with the child;
  6. Undergoing an evaluation for drug, alcohol, or other substance abuse and following the recommendations of the evaluator; and
  7. Taking the child for drug, alcohol, or other substance abuse evaluation and following the recommendations of the evaluator, unless excused by the court.

State Law Reference: Neglect or Refusal to compel child to attend school, 70 O.S Chapter 10 Section 105

#### **CHAPTER 5. OFFENSES AGAINST PERSONS**

##### **SECTION 10-501. ASSAULT AND/OR BATTERY PROHIBITED.**

- A. An assault is any intentional, willful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.
- B. A battery is any intentional, willful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.
- C. It is unlawful to commit an assault or an assault and battery within the jurisdiction of the town. Any person committing an assault or an assault and battery within the jurisdiction of the town, shall be guilty of an offense.

#### **CHAPTER 6. OFFENSES AGAINST PUBLIC AUTHORITY**

##### **SECTION 10-601. RESISTING AN OFFICER.**

- A. It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the town.
- B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.
- C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.
- D. The words "obstruction of" shall, in addition to their common meaning, include:
  - 1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;
  - 2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or
  - 3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

**SECTION 10-602. REFUSING OR FAILING TO ASSIST AN OFFICER.**

- A. An officer of the town making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the town or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.
- B. It is unlawful for any person lawfully called upon thus to assist an officer of the town to refuse or fail to do so.

**SECTION 10-603. ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER.**

It is unlawful for any person to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties.

**SECTION 10-604. RESCUING PRISONERS.**

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner or prisoners, from any officer or employee of the town having legal custody of the same or from the town jail or other place

of confinement by the town, or to assist such prisoner in any manner to escape from such prison or custody either before or after conviction, including escape from a vehicle of confinement.

**SECTION 10-605. ESCAPE OF PRISONERS.**

It is unlawful for any person confined in the town jail or other place of confinement by the town, or working upon the streets or other public places of the town in pursuance of any judgement, or otherwise held in legal custody by authority of the town, to escape or attempt to escape from any such jail, prison or custody.

**SECTION 10-606. IMPERSONATING AN OFFICER OR EMPLOYEE.**

It is unlawful for any person to impersonate any officer or employee of the town, falsely represent himself to be an officer or employee of the town, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the town without being duly authorized to do so.

**SECTION 10-607. FALSE ALARMS.**

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run.

**SECTION 10-608. FALSE REPRESENTATION TO AN OFFICER.**

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the town government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the town.

**SECTION 10-609. REMOVAL OF BARRICADES.**

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the town to keep traffic off any pavement, street, curb, sidewalk or other area.

**SECTION 10-610. RESISTING PUBLIC OFFICIALS.**

It is unlawful for any person knowingly or wilfully to:

- A. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the town in the discharge of his official duties;
- B. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or
- C. Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

CHAPTER 7. PENALTIES

**SECTION 10-701. GENERAL PENALTIES.**

Any violation of the provisions of this part is punishable by fine or imprisonment as provided in Section 1-108 of this code.

**PART 11 - PARKS, RECREATION AND CULTURAL  
AFFAIRS**

(RESERVED)

**PART 12 - PLANNING, ZONING AND DEVELOPMENT**

**CHAPTER 2. FLOOD HAZARD PREVENTION**

**CHAPTER 1. PLANNING COMMISSION**

**SECTION 12-201. STATUTORY AUTHORIZATION.**

**SECTION 12-101. CREATED; MEMBERSHIP.**

A town planning commission is hereby created for the town. It shall consist of five (5) appointive members, all of whom shall be residents of the town, and the mayor and the town engineer (if any) as ex officio members. The appointive members shall be nominated by the mayor and appointed by the board of trustees and shall serve for terms of three (3) years. Of the original appointive members, one shall serve for a term of one year; two (2) shall serve for a term of two (2) years; and two (2) shall serve for a term of three (3) years. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The town board of trustees may remove members of the town planning commission for cause.

The Legislature of the State of Oklahoma has in 11 O.S. §§ 41-47, as amended, delegated the responsibility to local governmental units to adopt ordinances designed to minimize flood losses. Therefore, the Town of South Coffeyville, Oklahoma, ordains the following, to become effective immediately.

State Law Reference: Municipal planning commissions, 11 O.S. Sections 45-101 to 45-105.

**SECTION 12-202. FINDINGS OF FACT.**

**SECTION 12-102. ORGANIZATION; MEETINGS; OFFICERS AND EMPLOYEES.**

The town planning commission shall elect a chairman, a vice chairman, and secretary, who shall serve until the first Monday of the next May after their election. The secretary need not be a member of the commission. The commission shall determine the time and place of its regular meetings; and the chairman or any three (3) members may call special meetings of the commission. The commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the town board of trustees. Their salaries and compensation shall be fixed by the board, and shall be paid out of the town treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the town treasury as other legal expenses of the town government are paid.

- A. The flood hazard areas of the Town of South Coffeyville are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

**SECTION 12-103. POWERS AND DUTIES.**

The town planning commission shall have all the powers and duties prescribed for it by state law and all other powers and duties now or hereafter prescribed for it by any other provision of ordinance or law.

**SECTION 12-203. STATEMENT OF PURPOSE.**

It is the purpose of this ordinance to promote the public health safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

**SECTION 12-104. TO HAVE POWER OF A ZONING COMMISSION.**

- A. The town planning commission is hereby appointed the zoning commission of the town, and the town planning commission shall have the powers of a zoning commission as provided by state law. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one board known as the town planning commission.
- B. Exercising the powers of a zoning commission, the town planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by state law and all powers which now or in the future may be granted by applicable state law to such authorities.

- 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 flood plains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- G. Insure that potential buyers are notified that property is in a flood area.

**SECTION 12-204. METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this ordinance uses the following methods:



- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase flood damage; and;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- J. "Development Permit" means a permit issued by the Town of South Coffeyville Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this ordinance.
- K. "Elevated Building" means a non-basement building built, in the case of a building in Zones AE, A, and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones AE, A, and X, "Elevated Building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
- L. "Existing Construction" means for the purposes of determining rates, structures for which the "Start of Construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing Construction" may also be referred to as "Existing Structures".

#### SECTION 12-205. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- A. "Accessory Structure" means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include but are not limited to garages and storage sheds.
- B. "Area of Special Flood Hazard" is the land in the floodplain within the Town of South Coffeyville subject to a one percent or greater chance of flooding in any given year.
- C. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
- D. "Base Flood Elevation" means the elevation in feet above mean sea level of the base flood or 1% chance flood.
- E. "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.
- F. "BFE" means Base Flood Elevation.
- G. "CFR" means Code of Federal Regulations.
- H. "Critical Feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- I. "Development" means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- M. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 4, 1972.
- N. "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- O. "FEMA" means the Federal Emergency Management Agency.
- P. "FIRM" means Flood Insurance Rate Map.
- Q. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters, or
  - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- R. "Flood Insurance Rate Map" means an official map of the Town of South Coffeyville on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of South Coffeyville.
- S. "Flood Insurance Study" is the official report provided by FEMA for Town of South Coffeyville which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

- T. "Floodplain Administrator" means a person accredited by the OWRB and designated by the Town Council of the Town of South Coffeyville to administer and implement laws, ordinances and regulations relating to the management of floodplains.
- U. "Floodplain or Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of flood).
- V. "Floodplain management" means the operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- W. "Floodplain Management Regulations" means zoning codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- X. "Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within Town of South Coffeyville 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.
- Y. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Article III, Section B. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.
- Z. "Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- AA. "Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- BB. "Historic Structure" means any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. 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;
  3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - i. By an approved state program as determined by the Secretary of the Interior, or
    - ii. Directly by the Secretary of the Interior in states without approved programs.
- CC. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- DD. "Levee System" means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- EE. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR.
- FF. "Manufactured Home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".
- GG. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- HH. "Mean Sea Level" means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other

datum, to which base flood elevations shown on the Town of South Coffeyville's Flood Insurance Rate Map are referenced.

- II. "New Construction" means, for the purpose determining insurance rates, structures for which the "Start of Construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "New Construction" means structures for which the "Start of Construction" commenced on or after the effective date of a floodplain management regulation adopted by the Town of South Coffeyville Town Council and includes any subsequent improvements to such structures.
- JJ. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Town of South Coffeyville Floodplain Board.
- KK. "OWRB" means the Oklahoma Water Resources Board.
- LL. "Recreational Vehicle" means a vehicle which is:
  - 1. Built on a single chassis;
  - 2. 400 square feet or less when measured at the largest horizontal projections;
  - 3. Designed to be self-propelled or permanently towable by a light duty truck; and
  - 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- MM. "Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the

main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- NN. "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- OO. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- PP. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. This includes structures that have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:
  - 1. 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
  - 2. Any alteration of a "Historic Structure" provided that the alteration would not preclude the structure's continued designation as a "Historic Structure".
- QQ. "Variance" is a grant of relief by the Town of South Coffeyville Town Council to a person from the terms of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of Title 44 CFR.)
- RR. "Violation" means the failure of a structure or other development to be fully compliant with this Town of South Coffeyville flood damage prevention ordinance.
- SS. "Water Surface Elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### SECTION 12-206. GENERAL PROVISIONS.

- A. Land to which this ordinance applies: This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of South Coffeyville, 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 the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Nowata County, Oklahoma and Incorporated Areas," dated February 16, 2012, with accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted by reference and declared to be a part of this ordinance. However, until this date the current effective flood maps for the areas of special flood hazard identified by FEMA on its "Flood Hazard Boundary Map (H) Town of South Coffeyville, OK, Nowata County, Flood Insurance Rate Map (I) Community No. 400411 A", dated June 25, 1976, shall be used for this purpose until February 16, 2012.

- C. Establishment of development permit: A development Permits shall be required to ensure conformance with the provisions of this floodplain management ordinance.
- D. Compliance: No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
- E. Abrogation and greater restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation: In the interpretation and application of this ordinance, 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 or liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of South Coffeyville or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**SECTION 12-207. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.**

The Town Council of the Town of South Coffeyville designates Jerome Gnatek as Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management.

**SECTION 12-208. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- A. Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1618, as amended.
- B. Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
- C. Review, approve or deny all applications for Development Permits required by this ordinance.
- D. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval are required.
- E. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual filed conditions).
- F. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- H. Shall require the developer/applicant to determine and provide the base flood elevation on a FEMA Elevation Certificate as well as other data as required in order to administer the provisions of Article V.
- I. When a floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE as delineated on the Nowata County FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town of South Coffeyville.
- J. After a disaster or other type of damage occurrence to structures in the Town of South Coffeyville, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.
- K. Maintain a record of all actions involving an appeal from a decision of the Town Council.

- L. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

**SECTION 12-209. PERMIT PROCEDURES.**

- A. An Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
  - 1. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and
  - 2. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- B. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
  - 1. The danger to life and property due to flooding or erosion drainage;
  - 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 3. The danger that materials may be swept onto other lands to the injury of others;
  - 4. The compatibility of the proposed use with existing and anticipated development;
  - 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer gas electrical and water systems;
  - 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - 8. The necessity to the facility of a waterfront location, where applicable;
  - 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
  - 10. The relationship of the proposed use to the comprehensive plan for that are.

- C. The Floodplain Administrator or Town Council, as applicable, may approve certain development in Zones A or AE delineated on the Nowata County FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the Development Permit in that case first complies with 44 CFR Section 65.12.

**SECTION 12-210. VARIANCES.**

- A. General Provisions
  - 1. The Town Council of the Town of South Coffeyville may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this ordinance, if the applicant for the variance presents adequate proof that (i) compliance with this ordinance will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of this Section D. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.
  - 2. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.
  - 3. In no case shall variances be effective for a period longer than twenty (20) years.
  - 4. Any person seeking a variance shall file a petition with the Town Council, accompanied by a filing fee of Twenty-five Dollars (\$25.00).
  - 5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) and provisions of Section D of this Article IV have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - 6. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Chairman of the Town Council which states that (i) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property.
  - 7. At such time as the Town Council deems the petition ready for notification to the public, the Town Council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in

- Nowata County at least thirty (30) days prior to the hearing.
8. The Town Council shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section D. The Town Council shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.
  9. Variances shall only be issued upon:
    - i. A showing of good and sufficient cause;
    - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
    - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances; and
    - iv. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  10. Upon consideration of the factors stated in this Section D and the intent of this ordinance, the Town Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Article I, Section C of this ordinance.
  11. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the Floodplain Board shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.

**B. Special Provisions**

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure

and the variance is the minimum necessary to preserve the historic character and design of the structure.

4. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - i. The criteria of Section D(1)(e); Section D(1)(b); and Section D(2)(c) of this Article IV are met, and
  - ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**SECTION 12-211. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

- A. General Standards: In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
  1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
  4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  6. New and replacement sanitary sewage systems shall be designed to avoid impairment to them or contamination from them during flooding.
- B. Specific Standards: In all areas of special flood hazards the following provisions are required:
  1. Residential Construction – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at or

- above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
2. Nonresidential Construction – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
  3. Enclosures – new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
    - ii. The bottom of all openings shall be no higher than one foot above grade; and
    - 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 anywhere within the community in Flood Zones A and/or AE on the Nowata FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at or above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to a permanent foundation to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.
  5. Recreational Vehicles – Require that recreational vehicles placed on sites within Zones A and AE on the Nowata County FIRM either:
    - i. Be on the site for fewer than 180 consecutive days,
    - ii. Be fully licensed and ready for highway use, or
    - iii. Meet the permit requirements of Article IV, Section C, and the elevation and anchoring requirements for “manufactured homes” in paragraph 4 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only be quick disconnect type utilities and security devices, and has no permanently attached additions.
  6. Accessory Structure – Accessory structures to be placed on sites within Zones A and AE on the Nowata County FIRM shall comply with the following:
    - i. The structure shall be unfinished on the interior;
    - ii. The structure shall be used only for parking and limited storage;
    - iii. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
    - iv. Service facilities such as electrical and heating equipment must be elevated to or above the BFE;
    - v. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
    - vi. The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
    - vii. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
    - viii. Floodway requirements must be met in the construction of the structure;
    - ix. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
    - x. The structure shall be located so as not to cause damage to adjacent and nearby structures.

**SECTION 12-212. STANDARDS FOR SUBDIVISION.**

- A. The applicant for a Development Permit for any subdivision located in Zones A and AE which is 51

or more lots or greater than 5 acres shall generate the base flood elevation data for that subdivision.

- B. All subdivision including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- C. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

**SECTION 12-213. FLOODWAYS.**

The following provisions shall apply to floodways:

- A. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Town of South Coffeyville during the occurrence of the base flood discharge.
- B. If Article V, Section D.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.
- C. The Town of South Coffeyville may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the Development Permit complies with all of 44 CFR Section 65.12.

**SECTION 12-214. FLOODPLAIN MANAGEMENT FEE SCHEDULE.**

The Town of South Coffeyville Town Council establishes the following fee schedule not to exceed \$500.00 for any one service:

- A. Notice of Intent Fee - \$25.00 maximum
- B. Floodplain Development Permit Application Review - \$100.00
- C. Floodplain Development Permit Fee - \$25.00
- D. Inspection Fee – per inspection - \$25.00

**SECTION 12-215. PENALTIES FOR NONCOMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this ordinance is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or

fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500,000 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town Council of the Town of South Coffeyville or its Town Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION 12-216. CERTIFICATION.**

It is hereby found and declared by the Town Council of the Town of South Coffeyville that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program, and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

**CHAPTER 3. ZONING REGULATIONS**

**SECTION 12-301. ZONING ORDINANCES, AMENDMENTS, ADOPTED.**

Ordinance Number 66, the Zoning Ordinance of the town, as amended, is hereby adopted and incorporated herein by reference, along with all amendments thereto. Any violation of the town's zoning ordinance or amendments thereto shall be punishable as provided in Section 1-108 of this code. One copy of Ordinance Number 66 and all amendments thereto are on file in the town clerk's office.

**CHAPTER 4. SUBDIVISION REGULATIONS**

**SECTION 12-401. SUBDIVISION REGULATIONS ADOPTED.**

The town's subdivision ordinance, adopted August 6, 1973, as part of the town's prior code, Sections 16-6 through 16-31, containing the town's land development and subdivision regulations, and any and all amendments thereto, are hereby adopted and incorporated herein by reference. Any violation of the town's subdivision regulations is punishable as provided in Section 1-108 of this code. A copy of the town's subdivision ordinance and any amendments are on file in the town clerk's office.

**CHAPTER 5. FAIR HOUSING ORDINANCE**

**SECTION 12-501. POLICY.**

It is the policy of the Town of South Coffeyville to provide, within constitutional limitations, for fair housing throughout the City.

**SECTION 12-502. DEFINITIONS.**

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



- B. "Family" includes a single individual.
  - C. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
  - D. "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
  - E. "Discriminatory housing practice" means an act that is unlawful under section 12-504, 12-505, and 12-506.
- escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
  - 2. rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- C. For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:
    - 1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
    - 2. He has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
    - 3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

**SECTION 12-503. UNLAWFUL PRACTICE.**

Subject to the provisions of subsection B and section 12-507, the prohibitions against discrimination in the sale or rental of housing set forth in section 12-503 shall apply to:

- A. All dwellings except as exempted by subsection B.
- B. Nothing in section 12-504 shall apply to:
  - 1. Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provide further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of , more than three such single-family houses at any one time: Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented

- i. without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and
- ii. without the application, posting or mailing, after notice of any advertisement or written notice in violation of section 4 (C) of this ordinance, but nothing in this provision shall prohibit the use of attorneys,

**SECTION 12-504. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.**

As made applicable by section 12-503 and except as exempted by sections 12-503(b) and 12-507, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, handicap, or familial status.
- B. To discriminate against any person on the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, handicap, or familial status.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, handicap, or familial status or an intention to make any such preference, limitation, or discrimination.
- D. To represent to any person because of race, color, religion, or national origin that any dwelling is not available, for inspection, sale, or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by

representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin, handicap, or familial status.

**SECTION 12-505. DISCRIMINATION IN THE FINANCING OF HOUSING.**

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, associated with him in connection with such loan or other financial assistance, or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 12-503(b).

**SECTION 12-506. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.**

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

**SECTION 12-507. EXEMPTION.**

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

**SECTION 12-508. ADMINISTRATION.**

- A. The authority and responsibility for administering the Act shall be in the Chief Executive Officer of the Town of South Coffeyville.
- B. The Chief Executive Officer may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing,

determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The Chief Executive Officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the City, to boards of officers or to himself, as shall be appropriate and in accordance with law.

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

**SECTION 12-509. EDUCATION AND CONCILIATION.**

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

**SECTION 12-510. ENFORCEMENT.**

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection C, the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the Chief Executive Officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000.00 or imprisoned not more than one year.
- B. A complaint under subsection (A) shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a

discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

- C. If within thirty (30) days after a complaint is filed with the Chief Executive Officer, the Chief Executive Office has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.
- D. If the Chief Executive Officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent names in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
- E. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
- F. Whenever an action filed by an individual shall come to trial, the Chief Executive Office shall immediately terminate all efforts to obtain voluntary compliance.

**SECTION 12-511. INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE.**

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

and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

- C. Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- D. Within five days after services of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or other person at whose request it was issued may petition for its enforcement in the Municipal or State court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.
- F. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Chief Executive Officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Chief Executive Officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both.
- G. The City Attorney shall conduct all litigation in which the Chief Executive Officer participates as a party or as amicus pursuant to this ordinance.

**SECTION 12-512. ENFORCEMENT BY PRIVATE PERSONS.**

- A. The rights granted by sections 12-503, 12-504, 12-505, and 12-506 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: Provided

however, that the court shall continue such civil case brought pursuant to this section of section 12-510 (D) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Chief Executive Officer and which practice forms the basis for the action in court: And provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this ordinance, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this ordinance shall not be affected.

- B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorneys fees in the case of a prevailing plaintiff. Provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

**SECTION 12-513. INTERFERENCE, COERCION, OR INTIMIDATION.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 12-503, 12-504, 12-505, or 12-506. This section may be enforced by appropriate civil action.

**SECTION 12-514. SEPARABILITY OF PROVISIONS.**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

**SECTION 12-515. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.**

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

- A. Any person because of his race, color, religion, national origin, handicap or familial status and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- B. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

- 1. Participating, without discrimination on account of race, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in subsection 12-515 (A); or
  - 2. Affording another person or class of persons opportunity or protection so to participate; or
- C. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in subsection 12-515 (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate: shall be fined not more than \$1,000.00, or imprisoned not more than one year, or both: and if bodily injury results shall be fined not more than \$10,000.00 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

**CHAPTER 6. MODULAR AND/OR MOBILE HOMES**

**SECTION 12-601. DEFINITIONS.**

A. Manufactured Home

- 1. A structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, in which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
- 2. Is subject to federal manufactured home construction and safety standards established pursuant to 42 U.S.C.S. 5403.

B. Mobile Home

- 1. A structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein;
- 2. Is not subject to federal manufactured home construction and safety standards established pursuant to 42 U.S.C.S. 5403.

- C. Modular Home: Modular home means a structure which is (1) transportable in one or more sections; (2) not constructed on a permanent chassis; (3) designed to be used as a dwelling on a permanent foundation when connected to the

required utilities, and includes the plumbing, heating, air conditioning and electrical system contained therein; and (4) certified by its manufacturer is being constructed in accordance with nationally recognized building code.

- D. Residential-Design Manufactured Home: Residential- design manufactured home means a manufactured home on permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof and (C) siding and roofing materials which are customarily used on site-built homes.

#### **SECTION 12-602. MANUFACTURED HOMES.**

Residential- design manufactured home means a manufactured home on permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof and (C) siding and roofing materials which are customarily used on site-built homes.

#### **SECTION 12-603. MOBILE HOMES.**

Any mobile home older than five (5) years from the date of owner's application for building permit as defined in these Ordinances shall not be permitted to be placed on tracts of land within the city limits of the Town of South Coffeyville, Oklahoma. The mobile homes that are approved by the city council must meet the following requirements:

- A. Mobile home footings are to run the width of the manufactured home.
- B. Footings are to be 12 inches wide and 18 inches deep, and no more than 10 foot apart.
- C. A full concrete pad may be used if poured 8 inches deep running the length and width of the mobile home.
- D. Piers of concrete may be poured at 2 foot wide, 2 foot long, and 2 foot deep, to be ran no more than 8 foot apart along all load bearing main beams under the mobile home for concrete block support.
- E. All tie downs will be set in concrete.
- F. All exterior hitches must be removed.
- G. All interior wiring will be copper and meet or exceed National Electric Code.
- H. Mobile homes with a 100 amp service will have a minimum of #2 copper entrance cable and mobile homes with a 200 amp service line a minimum of 2/0 copper entrance cable.
- I. Water lines may be galvanized pipe, copper tubing, pipe, or PVC class 200 or thicker. Service lines are to be a minimum of ¼ inch inside diameter, and buried a minimum of 18 inches deep.
- J. Drain line may be copper, cast-iron, or PVC SOR - 35 or thicker, with fence no smaller than the lines they are venting.
- K. Sewer lines may be cast-iron or PVC SOR - 35 or thicker, bedded in sand or fine aggregate, and will

be no more than 4 inch diameter unless flow is more than 75 gallons per minute. There will be at least one cleanout per service.

- L. Proper skirting will be completed within 90 days. Skirting includes: (vinyl, metal, concrete blocks, brick or rock).
- M. All wheels, axles, transporting light s and towing apparatus shall be removed as to meet all Federal and State regulations.

#### **SECTION 12-604. MODULAR HOMES.**

Modular Homes as defined in this ordinance shall be permitted wherever one-family dwellings are permitted. Must be erected on a permanent foundation when connected to the required utilities which includes the plumbing heating air conditioning and electrical systems contained therein and must be certified by its manufacturer is being constructed in accordance with nationally recognized building code

#### **SECTION 12-605. RESIDENTIAL - DESIGN MANUFACTURED HOME.**

Residential - design manufactured home, as defined in this ordinance, shall be permitted wherever one- family dwellings are permitted, subject to all of the following architectural and aesthetic standards:

- A. The residential design manufactured home meets or exceeds the minimum square footage as required by the zoning district in which it is to be placed.
- B. The roof must be double-pitched and have a minimum vertical rise of 2.0 feet for each 12 feet of horizontal run, and be covered with material that is residential in appearance, including but not limited to, approved would, asphalt composition shingles or fiberglass, but excluding corrugated aluminum and corrugated fiberglass.
- C. All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter.
- D. Exterior siding cannot have a high-gloss finish, and must be residential in appearance, including but not limited to, clapboards simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
- E. The home shall be permanently supported and attached to its foundation. A masonry wall shall enclose the crawl area (space between the ground and sub-floor) around the entire perimeter of the home and with only the necessary openings for ventilation and access.
- F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the town building code and attached firmly to the primary structure and anchor securely to the ground.

- G. The unit must be oriented on the lot so that its long axis is parallel with the street.
- H. The lot must be landscaped to ensure compatibility with surrounding properties.
- I. All fuel supply system shall be constructed and installed within the foundation wall or underground within all applicable building and safety codes.
- J. The running gear, tongues, moving hitch, wheels and axles, and transporting lights must be removed.
- K. If a garage or carport is added, the external material and roofing of the garage or carport shall be the same as that of the dwelling unit.

**SECTION 12-606. FREESTANDING MANUFACTURED HOMES AND/OR MOBILE HOMES.**

- A. Any areas in which free-standing manufactured homes and/or mobile homes have been permitted due to "grandfathered" usage, "vested rights" or "history of use" will only continue to be permitted to the original "grandfathered" property owner or occupant. Upon the sale of such property or death of the original owner/owners or occupant, the manufactured and or mobile housing unit shall be removed.
- B. In the event of a verified natural disaster which destroys an existing nonconforming manufactured and/or mobile home, replacement may be permitted, providing the replacement manufactured and/or mobile home is of equal or greater value as the damaged home was when new at current market rates, the replacement home must not be more than five years old and be equal or larger in square footage of living space. Replacement must occur within one hundred twenty (120) days of the verified disaster.
- C. Any freestanding manufactured and/or mobile home that is damaged or in disrepair to such an extent that it is no longer suitable for human occupation shall be removed. The manufactured and/or mobile home shall not be repaired; but must be removed from the location. Whether the manufactured home is damaged or in disrepair to such an extent that it is no longer suitable for human habitation shall be determined by an appointee of the Town of South Coffeyville City Council.

**SECTION 12-607. GENERAL PENALTIES.**

Any violation of the provisions of this part is punishable by fine or imprisonment as provided in Section 1-108 of this code.

**PART 13 - PUBLIC SAFETY**

**CHAPTER 1. FIRE PREVENTION CODE**

**SECTION 13-101. ADOPTION OF FIRE PREVENTION CODE.**

There is hereby adopted by the town board of trustees for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, 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. Not less than one copy of the code has been filed in the office of the clerk of the town and the same are hereby adopted and incorporated as fully as if set out at length herein. The provisions of The Fire Prevention Code shall be controlling within the limits of the town.

**SECTION 13-102. ENFORCEMENT.**

The code hereby adopted shall be enforced by the chief of the fire department.

**SECTION 13-103. DEFINITION.**

Wherever the word "municipality" is used in the Fire Prevention Code hereby adopted it shall be held to mean the town.

**SECTION 13-104. LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS.**

The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside above-ground tanks is prohibited, the limits referred to in which bulk storage of liquefied petroleum gas is restricted, and the limits in which storage of explosives and blasting agents is prohibited, are hereby established as the town limits.

**SECTION 13-105. MODIFICATIONS.**

The chief of the fire department shall have power to modify any of the provisions of the code hereby adopted in his own discretion or upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and for applications requesting change, a signed copy shall be furnished the applicant.

**SECTION 13-106. APPEALS.**

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to

the town board of trustees within thirty (30) days from the date of the decision appealed.

**SECTION 13-107. PENALTY.**

Any person, firm or corporation who violates any provision of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in Section 1-108 of this code.

**CHAPTER 2. POLICE DEPARTMENT**

**SECTION 13-201. POLICE DEPARTMENT CREATED; CHIEF.**

There shall be a police department, the head of which is the chief of police, or police chief, appointed by the town board of trustees and removable by the board. The chief of police is an officer of the town, and has supervision and control of the police department. All police officers are officers of the town.

State Law Reference: Police department and duties, 11 O.S. Sections 34-101 et seq.

**SECTION 13-202. DUTIES.**

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the town; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the town jail.

**SECTION 13-203. POLICE OFFICERS.**

Police officers shall be appointed, (subject to approval of the town board of trustees), who shall perform such duties as shall be required of them by the chief of police, town ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace. All fulltime salaried police officers should live inside the State of Oklahoma, Nowata County and have a response time from their place of residence to the police department of not more than 5 minutes. When a fulltime salaried police officer is hired that does not live within the boundaries' of this ordinance, they will have 180 days from date of hire to be moved within the boundaries' of this ordinance. Officers may have extended time to move above 180 days if approved by the town council.

**SECTION 13-204. AUXILIARY POLICE RESERVE CREATED.**

- A. In addition to regular full time municipal police officers there shall be established an Auxiliary Police Reserve for the Town as deemed necessary by the Town Trustees. Members of the Auxiliary Police Reserve shall be appointed by the Chief of Police subject to approval and confirmation by the Town Trustees.

- B. Auxiliary Police Reserve officers shall have the powers, duties and functions as set forth by law or ordinance for regular full time municipal police officers as long as members of the auxiliary Police Reserve are under the supervision of a commissioned municipal police officer.
- C. Auxiliary Police Reserve officers shall have no powers of arrest and shall not carry firearms while such police reserve officers are not on uniformed duty or as directed by a commissioned peace officer by the State of Oklahoma.
- D. Auxiliary Police Reserve officers shall not receive financial compensation but shall be strictly volunteers. Nothing in this paragraph is intended to exclude donations from private parties to the police department to be used for purposes of training both commissioned and auxiliary police officers.
- E. Auxiliary Police Reserve officers shall perform their duties no less than sixteen (16) hours per week and no more than twenty-five (25) hours per week. All such Auxiliary Police Reserve officers must meet the minimum requirements of the Oklahoma Statutes.
- F. The provisions of this Ordinance are hereby declared to be severable and if any section, paragraph, sentence or clause of this Ordinance is held to be invalid or inoperative by any Court of competent jurisdiction, such decision shall not affect any section, paragraph, sentence or clause thereof.
- G. The passage of this Ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its passage, approval and publication. Passed, approved and adopted by the Trustees of the Town of South Coffeyville, Oklahoma, in open meeting this 6 day of December, 1993.

### **CHAPTER 3. EMERGENCY MANAGEMENT**

#### **SECTION 13-301. PURPOSE OF EMERGENCY MANAGEMENT ORGANIZATION.**

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. 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.

State Law Reference: Local civil defense organizations, 63 O.S. Section 683.11.

#### **SECTION 13-302. DEPARTMENT ESTABLISHED.**

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

- A. An emergency management director (EMD) who shall be appointed and may be removed with or without cause by the mayor; and
- B. 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 emergency management director.

#### **SECTION 13-303. DUTIES OF DIRECTOR.**

The emergency management director shall be the executive head of the department of the 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. It is the duty of the emergency management director as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this chapter and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall have further duty and responsibility to cooperate with all emergency management agency's of other governmental units, including the state and the federal government. The emergency management director is further authorized to formulate written plans and gather information and keep written record thereof to govern the functions of the emergency management organization.

#### **SECTION 13-304. POWERS OF DIRECTOR IN EMERGENCIES.**

- A. In the event of an enemy-caused emergency or emergency resulting from natural causes, the emergency management director after due authorization from the mayor shall have the power and authority to enforce all rules and regulations relating to emergency management and, 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 of emergency management organizations. If required by the mayor, the director shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the town.
- B. The emergency management director 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.
- C. The emergency management director, after due authorization of the Mayor, shall have the power and authority to employ personnel at a (minimum) hourly rate of \$9.00 per hour, to assist



the emergency management director in enforcing all rules and regulations relating to emergency management.

**SECTION 13-305. COMPENSATION OF MEMBERS.**

Most members, with the exception of the emergency management director (EMD) created in this chapter shall serve without compensation. The EMD, when called upon by the town of South Coffeyville to serve in his official capacity in training and/or in the event of an emergency shall be paid at the rate of \$12.50 per hour, with a minimum of 4 hours. At no time will be emergency management director at accumulate comp time while serving in his official capacity. All training shall be approved by the town Council. When the emergency management director feels a situation arise that needs his attention he shall call the mayor of the town of South Coffeyville for authorization to be activated. The EMD shall be paid an irregular part-time rate in line with the United States Department of Labor Wage and Hour Division, at a minimum of 20 hours per week.

**CHAPTER 4. FIRE DEPARTMENT**

**SECTION 13-401. FIRE DEPARTMENT CREATED, CHIEF.**

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.

State Law Reference: Provisions on municipal volunteer departments, 11 O.S. Sections 29-201 et seq.

**SECTION 13-402. VOLUNTEER DEPARTMENT; NUMBER OF FIREFIGHTERS.**

- A. The fire department of the town is a volunteer fire department which has in its employ not more than two (2) full time salaried firefighters, and not less than twelve (12) or more than twenty (20) volunteer firefighters.
- B. For the purpose of this chapter, a volunteer firefighter 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 13-403. FIRE CHIEF.**

The chief is at the head of the department, subject to the laws of the state, ordinances of this 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/ her. The Chief shall be paid \$60.00 (Sixty) a month for performance of his/ her duties.

**SECTION 13-404. 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.

**SECTION 13-405. COMPANY OFFICERS.**

The company officers shall be selected upon their ability to meet the following requirements:

- A. Their knowledge of firefighting;
- B. Their leadership ability; and
- C. Their knowledge of firefighting equipment.

**SECTION 13-406. THE SECRETARY-TREASURER.**

One member elected by the fire department shall be secretary-treasurer. His duties shall consist of the following:

- A. Calling the roll at the opening of each meeting;
- B. Keeping the minutes of each meeting; and
- C. Collecting any money due the department by the members.

**SECTION 13-407. NEW MEMBERS.**

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

**SECTION 13-408. 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 13-409. DUTIES.**

It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures or elsewhere in case of an emergency; to promote fire prevention and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire and explosions in theaters, stores, and other public buildings.

**SECTION 13-410. RULES AND REGULATIONS.**

The town board of trustees, by motion or resolution, may adopt rules and regulations governing the fire department. All firefighters shall be of legal age, in good health, and residents of the town.

**SECTION 13-411. ANSWERING CALLS OUTSIDE LIMITS, FEES.**

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. The fees for such calls shall be set by the town board by motion or resolution.

State Law Reference: Mutual aid, answering calls outside limits, 11 O.S. Sections 29-106 to 29-109.

**PART 14 - STREETS AND PUBLIC WORKS**

**CHAPTER 1. USE AND OBSTRUCTION OF STREETS**

**SECTION 14-101. TREES AND SHRUBBERY TO BE TRIMMED.**

- A. The owner of any premises abutting on any street of this town shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.
- B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in Subsection A of this section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the town. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.

**SECTION 14-102. UNLAWFUL TO INJURE TREES AND SHRUBBERY.**

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the town; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

**SECTION 14-103. UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS AND ALLEYS WITH MERCHANDISE.**

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the town any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.

**SECTION 14-104. UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.**

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the town in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the town in any manner so as to interfere unduly with lawful traffic and parking thereon.

**SECTION 14-105. UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS.**

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the town any paper, rubbish, grass, weeds, tree

trimmings, dirt, trash, crates, boxes or other refuse of any kind.

**SECTION 14-106. UNLAWFUL TO PLAY ON STREETS.**

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the town, except as may be authorized by ordinance.

**SECTION 14-107. VEHICLES NOT TO BE WASHED ON STREET.**

The washing of an automobile or other vehicle in any street of the town is hereby prohibited.

**SECTION 14-108. WATER, MUD FROM VEHICLE NOT TO DRAIN INTO STREET.**

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.

**SECTION 14-109. WATER FROM FILLING STATIONS AND OTHER BUSINESSES.**

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

**SECTION 14-110. OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.**

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

**SECTION 14-111. STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.**

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

**SECTION 14-112. PENALTY.**

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1-108 of this code.

**CHAPTER 2. CULVERTS AND DRIVEWAYS**

**SECTION 14-201. CERTAIN PROPERTY OWNERS ARE TO CONSTRUCT AND MAINTAIN CULVERTS.**

Owners of private property, for the purpose of adequate drainage along the side of U.S. Highway No. 169, and all streets in the town shall place culverts at least eighteen (18) inches in diameter, made of corrugated iron under their

driveways to the highway and the streets of the town, provided that smaller culverts may be placed under driveways on streets other than through highways and U.S. Highway No. 169, but all such culverts and driveways shall be subject to inspection and approval by an inspector designated by the board of trustees.

**SECTION 14-202. CONSTRUCTIONS MUST BE APPROVED.**

No culvert or driveway shall be constructed or maintained on the right-of-way of any designated street or federal highway, or on any street in the town, until approval has been given by the inspector appointed by the board of trustees, and any culverts or driveways constructed without such approval may be removed without notice.

**SECTION 14-203. TAX MAY BE LEVIED.**

In the event property owners fail and refuse to comply with this chapter, then the board of trustees may construct the driveway and culvert and levy a tax upon the owners of any property affected for the purpose of paying the cost of such improvements.

**SECTION 14-204. PENALTY.**

Any person, firm, or corporation who violates any provision of this chapter, shall be guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1-108 of this code.

**PART 15 - TRAFFIC AND VEHICLES**

**CHAPTER 1. GENERAL PROVISIONS AND  
ADMINISTRATION**

**SECTION 15-101. DEFINITIONS.**

For the purposes of this part the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this part which are not defined in this section, but are defined in the laws of the state regulating traffic, the definition in the laws of the state shall be deemed to apply to the words and phrases used in this part:

- A. "Alley" means a public passageway or street which affords only secondary means of vehicular access to abutting property, and having no legal or official name other than alley;
- B. "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) or three (3) tandem wheels any of which is more than twenty (20) inches in diameter;
- C. "Commercial vehicle" means every vehicle designed, maintained, or used primarily for the transportation of property;
- D. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;
- E. "Driver" means every person who drives or is in actual physical control of a vehicle;
- F. "Emergency vehicles" means vehicles of fire departments, police vehicles and ambulances;
- G. "Intersection" means the area embraced within the lateral boundary lines of the roadways of two (2) streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;
- H. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;
- I. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;
- J. "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;
- K. "Official time standard" means that whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this town;
- L. "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent

with this code placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;

- M. "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- N. "Pedestrian" means any person afoot;
- O. "Police officer" means any officer of the town police department or any other officer authorized by law to direct or regulate traffic or to make arrests for violations of traffic regulations;
- P. "Private road or roadway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;
- Q. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;
- R. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;
- S. "Right-of-way" means the privilege of the immediate use of the roadway;
- T. "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;
- U. "Shoulder" means the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
- V. "Sidewalk" means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians;
- W. "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;
- X. "Stop" means, when required, complete cessation from movement. When prohibited, stop or stopping means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;
- Y. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

- Z. "Through street" means every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield right-of-way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this part;
- AA. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel;
- BB. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated by which traffic alternately is directed to stop and permitted to proceed; and
- CC. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- DD. "All-terrain vehicle" or "ATV" means any non-highway recreational vehicle, when used for cross-country travel on trails or on any one of the following or a combination thereof: water, snow, ice, marsh, swampland and natural terrain.

State Law Reference: Definitions, state traffic laws, 47 O.S. Sections 1-101 et seq.

#### **SECTION 15-102. APPLICATION OF REGULATIONS.**

The provisions of this part shall apply to every street, highway, alley, roadway, sidewalk, driveway, park area, every other public way either within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate, including but not limited to:

- A. Those dedicated to or acquired by the public for public use;
- B. Those upon land owned by the town;
- C. Those upon land owned by any other governmental unit, but the regulation of the use of which has been given to the town;
- D. Those upon private property, the regulation of the use of which has been given to the town.

#### **SECTION 15-103. VEHICLE EQUIPMENT GENERALLY.**

Every vehicle operated upon the streets of the town shall be equipped as required by law. It is unlawful for any person to:

- 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; or
- C. Operate a vehicle which has equipment prohibited by law upon a street in the town.

State Law Reference: Equipment of vehicles, 47 O.S. Sections 12-101 et seq.

#### **SECTION 15-104. SIZE, WEIGHT OF VEHICLES, VEHICLES MORE THAN 10,000 POUNDS.**

- A. 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. No vehicle weighing more than ten thousand (10,000) pounds shall be operated upon any street, alley or other public way within the Town of South Coffeyville except for those streets or thoroughfares within the Town that are so designated by sign posed on said roadway. (Amended 12/06/93)
  1. The vehicle is to be used to perform work within the area of the public way and that no other reasonable access exists;
  2. The vehicle is to be used to deliver goods or merchandise to some area served by the public way; or
  3. Any vehicle found to be violating Section 15-104 in any capacity is in violation of the municipal ordinances for the Town of South Coffeyville and is subject to a fine and costs as established by the municipal judge. (Eff. 12/06/93)

State Law Reference: Size, weight, load of vehicles, 47 O.S. Sections 14-101 et seq.

#### **SECTION 15-105. SECURING LOADS.**

- A. No vehicle shall be driven or moved on any street or alley unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or salt may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.
- B. No person shall operate on any street or alley any vehicle with any load unless the load, and any covering thereon, is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the streets or alleys.
- C. This section shall not apply to trucks loaded only with livestock, poultry or agricultural products except baled agricultural products but any such truck shall be constructed or loaded as to prevent the livestock or poultry from escaping therefrom.

#### **SECTION 15-106. INSPECTION OF VEHICLES BY OFFICERS.**

Police officers have authority to inspect and test any vehicle upon the streets of the town at any time to determine whether it is safe, whether it is properly equipped, and whether its equipment is in proper adjustment or repair.

**SECTION 15-107. OPENING AND CLOSING VEHICLE DOORS.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

State Law Reference: Similar provisions, 47 O.S. Section 11-1105.

**SECTION 15-108. BOARDING OR ALIGHTING FROM VEHICLES.**

No person shall board or alight from any vehicle while such vehicle is in motion.

**SECTION 15-109. UNLAWFUL RIDING.**

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

**SECTION 15-110. AUTHORIZING OR PERMITTING VIOLATIONS PROHIBITED.**

No person shall authorize or knowingly permit a vehicle owned by him, registered in his name or under his control to be driven, parked or stopped in violation of any provision of this part. No parent of any child or guardian of any ward shall cause, authorize or knowingly permit such child or ward to violate any provision of this part.

**SECTION 15-111. APPLICATION TO ANIMAL-DRAWN VEHICLES.**

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle except those provisions of this part which by their very nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-104.

**SECTION 15-112. WORKING ON STREETS; EXCEPTIONS.**

- A. Town employees or contractors, while repairing or improving the streets of the town, and utility company personnel, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the board of trustees, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising such authority, the employees, personnel or contractors shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.
- B. When any street has been closed to traffic under the provisions of Subsection A and traffic-control

devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance, and repair, or to persons entering therein for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

- C. Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the employees, personnel, or contractor concerned shall erect, or cause to be erected, traffic-control devices to warn and guide the public; and every person using the street shall obey all signs, signals, markings, flagmen, or other traffic-control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

**SECTION 15-113. AUTHORIZED EMERGENCY VEHICLES.**

The provisions of this part shall not apply to a driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. These provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State Law Reference: Similar provisions, 47 O.S. Section 11-106.

**SECTION 15-114. APPROACH OF AUTHORIZED EMERGENCY VEHICLES.**

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

State Law Reference: Similar provisions, 47 O.S. Section 11-405.

**SECTION 15-115. FOLLOWING FIRE APPARATUS PROHIBITED.**

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

State Law Reference: Similar provisions, 47 O.S. Section 11-1108(a).

**SECTION 15-116. CROSSING FIRE HOSE.**

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

State Law Reference: Similar provisions, 47 O.S. 1971, Section 11-1109.

Cross Reference: Interference with fire services, Section 11-108 of this code.

**SECTION 15-117. DUTY OF POLICE.**

The police department shall have the power to enforce the street traffic regulations of this town and all of the state vehicle laws applicable to street traffic in this town, to make arrests for traffic violations, to investigate accidents and to cooperate with the officers of the town in the administration of the traffic laws and in developing ways and means to improve traffic conditions. Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic there or in the immediate vicinity.

**SECTION 15-118. ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.**

- A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.
- B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars (\$300.00) shall, as soon as practicable, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in

the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state department of public safety in accordance with state law, the driver shall be deemed to be in compliance with this section.

- C. Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided in Section 1-108 of this code.

State Law Reference: Accident reports, 47 O.S. Sections 10-101 et seq.

**SECTION 15-119. ISSUANCE OF CITATION TAGS.**

- A. The chief of police is hereby authorized and directed to supply police officers with citation tags in sets, each set consisting of an original and at least two (2) duplicate copies, for the purpose of giving notice to persons violating any provision of this part.
- B. Notice may be given by delivering the tags to the violator or by affixing it to the vehicle involved in the violation.
- C. Each citation tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon. Each tag shall bear the registration number of the vehicle.
- D. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.
- E. The town board of trustees may require that the police officers use citation tags furnished by the finance department and that such tags are serially numbered, and may regulate the use and handling of the citation tags.

**SECTION 15-120. FAILURE TO OBEY CITATION.**

It is unlawful and an offense for any person to violate his written promise to appear, given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which citation was originally issued.

**SECTION 15-121. FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.**

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within the period specified on the citation, 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 the specified period, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section.



**SECTION 15-122. ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.**

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter.

**SECTION 15-123. DISPOSITION AND RECORDS OF TRAFFIC CITATIONS, WARRANTS, AND COMPLAINTS.**

- A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or any traffic law of this town shall deposit the original and a duplicate copy of the citation with his immediate superior officer, who shall cause the original to be delivered to the municipal court.
- B. Upon the filing of the original citation in the municipal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court, including forfeiture of bail or by payment of a fine.
- C. The chief of police shall maintain a record of all warrants issued by the municipal court which are delivered to the police department for service, and of the final disposition of the warrants.
- D. No member of the police department or other officer or public employee shall dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, in a manner other than as required in this chapter.

**SECTION 15-124. COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.**

- A. The municipal court clerk shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.
- B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.
- C. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of the fine or forfeiture.

**SECTION 15-125. ELUDING POLICE OFFICER PROHIBITED.**

No person operating a motor vehicle who has received a visual or audible signal directing the operator to bring his vehicle to a stop shall 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 15-126. ADOPTION OF STATE TRAFFIC CODE.**

The provisions of the state motor vehicle code, Section 1-1-1 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Section 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the town within the town limits as fully as if set out at length herein.

State Law Reference: State rule of the road, 47 O.S. Sections 10-101 et seq.; state motor vehicle code, 47 O.S. Sections 1-101 et seq.

**SECTION 15-127. INSURANCE OR CERTIFICATE REQUIRED.**

- A. The owner of a motor vehicle registered in this state and operating the vehicle within the town's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.
- B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:
  - 1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;
  - 2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;
  - 3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;
  - 4. Any licensed taxicab; and
  - 5. Any vehicle owned by a licensed motor vehicle dealer.

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

1. "Owner's Policy" means an owner's policy of liability insurance which:
  - i. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;
  - ii. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;
  - iii. May provide for exclusions from coverage in accordance with existing laws; and
  - iv. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes.
2. "Equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or
  - i. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma statutes as acceptable limits for a policy or bond.
3. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes.
4. "Security verification form" means a form, approved by the State Board for property and casualty rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor

and upon conviction shall be subject to a fine as provided in Section 1-108 of this code.

- F. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.
- G. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.
- H. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

**CHAPTER 2. OPERATION OF VEHICLES GENERALLY,  
PARKING AND SPEEDING**

**ARTICLE A. GENERAL PROVISIONS**

**SECTION 15-201. OPERATION OF VEHICLES GENERALLY.**

Every person operating a vehicle in the town shall at all times operate the vehicle in a prudent and careful manner and in compliance with the laws of the town and state, having due regard for other vehicles, rights of pedestrians, and property of others.

State Law Reference: State Rules of the Road, 47 O.S. Sections 11-101 et seq.

**SECTION 15-202. DRIVER'S LICENSE REQUIRED.**

It is unlawful for any person, who does not have a driver's license as required by state law for operation of a vehicle upon the state highways, to operate a motor vehicle with in the town, or to operate a motor vehicle within the town in violation of any restriction applied to the driver's license. The conviction of any person, as prescribed in this section, when the offense occurred during a period when the driving privileges of the person were under suspension, revocation, cancellation, denial, or disqualification or the person had not been granted driving privileges by Oklahoma or any other state, shall result in the doubling of the appropriate fine, as provided in the Oklahoma State Statutes Title 47-Section 17-101 Subsection B and C, and the doubling of all court costs and all fees collected by the court on behalf of any other entity, unless waived by the court.

State Law Reference: Drivers' licenses, 47 O.S. Sections 6-101 et seq.

**SECTION 15-203. VEHICLE LICENSE REQUIRED.**

No person shall drive, propel, move, or park on the streets of this town any motor vehicle, trailer, or semi-trailer unless the motor vehicle, trailer, or semi-trailer is licensed as required by state law and the license is conspicuously displayed thereon.

**SECTION 15-204. UNLICENSED VEHICLES.**

It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag or tags on any street or highway within the town.

**SECTION 15-205. JAKE BRAKING PROHIBITED.**

It shall be unlawful for the driver of any large truck to use or to operate or cause to be used or operated within the town limits of South Coffeyville Oklahoma, any mechanical exhaust device, or motor brake, designed to aid in the braking or deceleration of any large truck which results in the excessive, loud, unusual or explosive noise from such a vehicle, or otherwise known as "Jake-braking." However, it is an affirmative defense to a violation of this ordinance that motor braking was used on an emergency basis to avoid damage to property, or personal injury.

**SECTION 15-206. STARTING A PARKED VEHICLE.**

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made in safety.

**SECTION 15-207. DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.**

- A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - 1. When the vehicle overtaken is making or about to make a left turn;
  - 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;
  - 3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
- B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

State Law Reference: Similar provisions, 47 O.S. Section 11-301.

**SECTION 15-208. RIGHT-OF-WAY GENERALLY.**

The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different street, provided that the driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard. When two (2) vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

**SECTION 15-209. VEHICLE TURNING LEFT.**

The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this part, may make such left turn, and the drivers of all other vehicles approaching the intersection from such opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law Reference: Similar provisions, 47 O.S. Section 11-402.

**SECTION 15-210. RECKLESS DRIVING.**

It is unlawful for any person to drive recklessly in the town. Reckless driving shall include any person who drives a motor vehicle in willful or wanton disregard for the safety of persons or property or at a heedless or dangerous rate of speed.

State Law Reference: Similar provisions, 47 O.S. Section 11-901.

**SECTION 15-211. DRIVING UNDER THE INFLUENCE OF INTOXICATING BEVERAGES OR NARCOTICS.**

- A. It is unlawful for any person who is under the influence of intoxicating or non-intoxicating beverages to drive, operate, or be in actual physical control of any motor vehicle within this town.
- B. It is unlawful for any person who is a habitual user of or under the influence of any narcotic, drug, barbiturate, amphetamine, marijuana, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this town. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such narcotic drug, barbiturate, amphetamine, marijuana, or other drug shall not constitute a defense against any charge of violating this paragraph.

State Law Reference: Similar provisions, 47 O.S. Section 11-902.

**SECTION 15-212. DRIVING ON SIDEWALK.**

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

**SECTION 15-213. LIMITATIONS ON BACKING.**

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

**SECTION 15-214. CORNER CUTTING.**

No person shall drive a vehicle through any service drive or upon any parking facility except with the intent of availing himself or herself of the services offered on the premises served by the service drive or parking facility. No person shall drive a vehicle through any service drive or across any

parking facility for the purpose of shortening their travel distance, avoiding a traffic-control device, avoiding using the streets for travel, or turning a vehicle so as to proceed in opposite direction on the street from which it entered the drive.

**SECTION 15-215. EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

State Law Reference: Similar provisions, 47 O.S. Section 11-704.

**SECTION 15-216. INATTENTIVE DRIVING.**

It shall be unlawful for any person to drive a motor vehicle in a careless, unobservant, distracted, or preoccupied manner in the town. Inattentive driving shall include any person who drives a motor vehicle in a distracted manner not being aware of their surroundings, this is to include but not limited to cell phone usage. (Eff. 02/18/03)

- A. It is unlawful for any person to drive while using a "hand-held electronic" device to "manually compose, send or read an electronic text message" while the vehicle is in motion.

State Law Reference:  
47 O.S. 11-901d

**SECTION 15-216A. TEXTING WHILE OPERATING A MOTOR VEHICLE.**

It is unlawful for any person to drive while using a "hand-held electronic" device to "manually compose, send or read an electronic text message" while the vehicle is in motion.

State Law Reference: 47 O.S. 11-901d

**SECTION 15-217. ALL-TERRAIN VEHICLE**

All-terrain vehicles shall not be operated on any town highways, streets, alleys, or any town owned property, unless the ATV is owned by the town or an entity of the town, and is being operated for town business. At no time can a town owned all-terrain vehicle be used for recreational purpose inside the limits of the town. Operation can occur during daylight hours only. State law reference O.S.S Title 47 Section 1151.1

**ARTICLE B. SPEEDING REGULATIONS**

**SECTION 15-220. GENERAL RULE FOR SPEED REGULATIONS.**

No vehicle shall be accelerated or turned so rapidly as to spin or slide the wheels. "Excessive Acceleration".

**SECTION 15-221. GENERAL MAXIMUM SPEED LIMIT.**

No vehicle, unless otherwise specifically authorized by this chapter, shall be driven at a speed greater than twenty-five (25) miles per hour upon any street within this town. The board of trustees may determine that certain other speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

**ARTICLE C. PARKING REGULATIONS**

**SECTION 15-230. OBSTRUCTING TRAFFIC OR DRIVEWAYS.**

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block the driveway entrance to any abutting property.

**SECTION 15-231. PARK WITHIN INDICATED SPACE.**

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space.

**SECTION 15-232. PROXIMITY TO CURB, PARALLEL PARKING.**

Every vehicle stopped or parked upon a roadway shall be so stopped or parked in the direction of lawful traffic movement with the curbside wheels of the vehicle parallel to and within eighteen (18) inches of the curb or roadway edge.

**SECTION 15-233. ANGLE PARKING, DESIGNATION.**

The board of trustees may determine upon what streets angle parking is permitted and shall direct the marking or signing of the streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. Angle parking, for the purpose of this part, shall mean parking at the curb at approximately a 45-degree angle between the right side of the vehicle and the curb.

State Law Reference: Similar provisions, 47 O.S. Section 11-1004 (c).

**SECTION 15-234. OBEDIENCE TO ANGLE PARKING RULES.**

- A. On those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings with the front of the vehicle directed toward the curb or edge of the roadway.
- B. No person shall park or stand a vehicle in angle parking spaces designated by markings upon the pavement unless the vehicle is positioned within the confines of an individually marked space. The vehicle shall not be of such length, or positioned in a manner, as to protrude into the street a distance which would cause or require passing traffic to change lanes or drive on the left side of the street.

**SECTION 15-235. PARKING PROHIBITIONS IN SPECIFIC AREAS.**

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
1. Stop, stand or park a vehicle:
    - i. On the roadway side of any vehicle stopped or parked at the edge or curb of a street except as authorized otherwise in this section;
    - ii. On a sidewalk;
    - iii. Within an intersection;
    - iv. On a crosswalk;
    - v. Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
    - vi. On any railroad tracks; or
    - vii. At any place where official signs prohibit stopping or parking; or
  2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
    - i. In front of a public or private driveway;
    - ii. Within ten (10) feet of a fire hydrant;
    - iii. Within ten (10) feet of a crosswalk at an intersection; except in marked parking spaces;
    - iv. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
    - v. Within twenty (20) feet of the driveway entrance to any fire station; or
    - vi. At any place where official signs prohibit standing.
- B. Any business, garage or filling station duly licensed by the state and/or town may reserve such portions along the curb in front of their establishments as is necessary to be used by them or their customers in the conduct of their business. Those desiring to avail themselves of the benefits of this subsection shall provide markers on the curb designating the space so reserved at their own expense.

State Law Reference: Similar provisions, 47 O.S. Section 11-1003.

**SECTION 15-236. PARKING PROHIBITIONS ON CERTAIN STREETS, MORE THAN 24 HOURS.**

- A. 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.
- B. No vehicle shall be parked, stored, stood or otherwise left on any street in the town for a period of time longer than twenty-four (24) hours.

**SECTION 15-237. DESIGNATION OF LOADING ZONES.**

The board of trustees may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

**SECTION 15-238. STANDING IN LOADING ZONE.**

- A. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.
- B. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- C. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

**SECTION 15-239. PROHIBITION AGAINST SELLING MERCHANDISE FROM PARKED VEHICLES.**

It is unlawful for any person to park any vehicle upon a street in the town and offer merchandise for sale therefrom. In addition to the penalty provided in this part, the sale of merchandise from parked vehicles on streets in the town is declared to be dangerous to traffic and to the persons congregating around the vehicle and constitutes a public nuisance.

**SECTION 15-240. PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.**

- A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the

vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

- B. The presumption in Subsection A of this section shall apply only when the procedure as prescribed in this chapter has been followed.

**SECTION 15-241. HANDICAPPED PARKING, ENFORCEMENT ON PUBLIC OR PRIVATE PROPERTY.**

- A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.
- B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable by a fine as provided in Section 1-108 of this code.

State Law Reference: Handicapped insignia, application and display on vehicles, 47 O.S. Section 15-112.

**ARTICLE D. TURNING AND SIGNALS**

**SECTION 15-250. REQUIRED POSITION, METHOD OF TURNING AT INTERSECTIONS.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- A. Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway; or
- B. Left turns on two-way roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

State Law Reference: Similar provisions, 47 O.S. Section 11-601.

**SECTION 15-251. TURNS AND U-TURNS.**

- A. The board of trustees may determine those intersections at which drivers of vehicles shall not

make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

- B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

State Law Reference: Authority to prohibit turning at intersections, 47 O.S. Section 15-102(a).

**SECTION 15-252. TURNING, STOPPING SIGNALS REQUIRED.**

- A. No person shall turn a vehicle to the right or left except upon giving signal of intention, as provided in this section, in the event any other traffic may be affected by such movement.
- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle except upon the giving of a signal of intention, as provided herein, to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal.

State Law Reference: Similar provisions, 47 O.S. Section 11-604.

**CHAPTER 3. TRAFFIC SIGNALS AND DEVICES.**

**SECTION 15-301. OBEDIENCE TO DEVICES.**

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

State Law Reference: Similar provisions, 47 O.S. Section 11-201(a).

**SECTION 15-302. NECESSITY OF SIGNS.**

No provision of the part for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

State Law Reference: Similar provisions, 47 O.S. Section 11-201(b).

**SECTION 15-303. INTERFERENCE WITH DEVICES, OR SIGNS OR SIGNALS.**

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

State Law Reference: Similar provisions, 47 O.S. Section 11-207.

**SECTION 15-304. PRESUMPTION OF LEGALITY.**

- A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- B. Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

**SECTION 15-305. RATIFICATION OF EXISTING DEVICES.**

All traffic-control signs, signals, devices and markings placed or erected prior to the adoption of this part and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law.

**SECTION 15-306. TRAFFIC-CONTROL SIGNAL LEGEND.**

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend. These lights shall indicate appropriate action and apply to drivers of vehicles and pedestrians as provided by applicable state law.

**SECTION 15-307. FLASHING SIGNALS.**

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

- A. 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
- B. Flashing yellow (Caution signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

**SECTION 15-308. DRIVING WITHIN TRAFFIC LANES.**

- A. Where traffic lanes have been marked, it shall be unlawful for the driver of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.
- B. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:
  - 1. A vehicle shall be driven as nearly as practicable entirely within a single lane, and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
  - 2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is 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.

State Law Reference: Similar provisions, 47 O.S. Section 11-309.

**SECTION 15-309. ONE-WAY STREETS, ALLEYS DESIGNATION.**

- A. Whenever any ordinance or resolution of this town designates any one-way street or alley the appropriate town personnel shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- B. Upon those streets and parts of streets and in those alleys designated as one-way streets or alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

State Law Reference: Similar provisions, 47 O.S. Sections 11-308, 15-102(a).

**SECTION 15-310. DESIGNATION OF THROUGH STREETS.**

The board of trustees, by motion or resolution, may designate any street or part of a street a through street.

State Law Reference: Authority to designate through streets, 47 O.S. 1971, Section 15-108.

**SECTION 15-311. SIGNS AT THROUGH STREETS.**

Whenever a through street is designated by the board of trustees, the appropriate town personnel shall be directed to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals.

**SECTION 15-312. PROCEDURES AT STOP SIGNS.**

- A. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
- B. After having stopped at a stop sign, the driver of a vehicle shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

State Law Reference: Similar provisions, 47 O.S. Sections 11-403(b), 11-703(d).

**SECTION 15-313. PROCEDURE AT YIELD SIGNS.**

The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, the driver shall stop at a clearly marked stop line, or if no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. The driver approaching a yield sign shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

State Law Reference: Similar provisions, 47 O.S. Sections 11-403(c), 11-703(c).

**SECTION 15-314. OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.**

- A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
  1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed or fail to obey the directions of a law enforcement officer at the crossing.

**CHAPTER 4. BICYCLES**

**SECTION 15-401. REGULATIONS APPLICABLE GENERALLY.**

It is unlawful for any person to do any act or fail to perform any act required by the provisions of this chapter. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. The provisions of this chapter area applicable to bicycles operated upon any street or highway or upon any path set aside for the exclusive use of bicycles.

State Law Reference: Similar provisions, 47 O.S. Section 11-1201.

**SECTION 15-402. TRAFFIC LAWS AND REGULATIONS APPLY.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this town applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of law and ordinances which by their nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-1202.

**SECTION 15-403. OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall



then obey the regulations applicable to pedestrians. Any person may walk bicycles and shall then be subject to all laws applicable to pedestrians.

**SECTION 15-404. RIDING ON BICYCLES.**

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

State Law Reference: Similar provisions, 47 O.S. Section 11-1203.

**SECTION 15-405. USE RIGHT SIDE OF ROADWAY.**

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

**SECTION 15-406. RIDING ABREAST.**

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

**SECTION 15-407. SPEED.**

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

**SECTION 15-408. RIDING ON SIDEWALKS.**

Bicycles may not be ridden upon any sidewalk with the town.

**SECTION 15-409. LIGHTS AND REFLECTORS.**

Every bicycle, when in use at nighttime, shall be equipped with a lamp on the frame which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the state department of public safety, which shall be visible from all distances from three hundred (300) feet to five hundred (500) feet to the rear when directly in front of lawful upper beams of headlamps of a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

State Law Reference: Similar provisions, 47 O.S. Section 11-1207(a).

**CHAPTER 5. IMPOUNDMENT OF VEHICLES**

**SECTION 15-501. PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.**

The impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

State Law Reference: Grounds for removal of vehicles on highway by state, 47 O.S. Section 955; removal of abandoned vehicles on private property, 47 O.S. Section 954A.

**SECTION 15-502. PLACE OF IMPOUNDMENT.**

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the town board of trustees, and to no other place.

**SECTION 15-503. DURATION OF IMPOUNDMENT.**

- A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.
- B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.
- C. 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.
- D. The rates and provisions of this section shall apply to determine the maximum fees and charges for the storage of impounded vehicles in the South Coffeyville impound yard. Maximum outdoor storage rates per each 24 hour period or portion thereof shall be as follows: single vehicle: motorcycle, automobile, or light truck up to 20 feet in length \$15.00, single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length \$20.00, single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width, \$25.00 single vehicle or combination of vehicles over 30 feet in length and over 8 feet and went \$35.00. (47-953.2)

**SECTION 15-504. POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.**

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this chapter.

**SECTION 15-505. DISABLED VEHICLES.**

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

- A. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
- B. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle

is so disabled as to constitute an obstruction to traffic or a hazard.

**SECTION 15-506. VEHICLES ON BRIDGE.**

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

**SECTION 15-507. ARREST AND DETENTION OF DRIVER OF VEHICLE.**

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded.

**SECTION 15-508. VEHICLE CONSTITUTES TRAFFIC HAZARD.**

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

**SECTION 15-509. ILLEGAL TRESPASS BY VEHICLE.**

- A. An unattended vehicle found to be in violation of Section 15-718 of this code may be impounded when the required complaint has been properly made and filed as provided in this section.
- B. If a violation of the provisions of Section 15-718 of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.
- C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of Section 15-718 of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

**SECTION 15-510. VEHICLES PARKED OVERTIME.**

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of Section 15-704, regarding more than twenty-four (24) hours, shall be impounded.

**SECTION 15-511. VEHICLES BLOCKING FIRE EXITS OR HYDRANTS.**

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded.

**SECTION 15-512. VEHICLES PARKED IN INTERSECTION.**

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

**SECTION 15-513. STOLEN VEHICLES; RECOVERY BY POLICE.**

- A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place to impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.
- B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded.

**SECTION 15-514. VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS.**

Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this part.

**SECTION 15-515. INVENTORY OF IMPOUNDED VEHICLES.**

Any vehicle impounded for any reason shall be inventoried by two (2) or more persons for the protection of the owner and his property, the protection of town law enforcement personnel, and the protection of the garage or wrecker service moving or holding the vehicle.

**CHAPTER 6. PENALTIES**

**SECTION 15-601. PENALTY FOR VIOLATIONS.**

Any violations of the provisions of this part shall be punishable by fine or imprisonment as provided in Section 1-108 of this code.

**PART 16 – TRANSPORTATION**

any street for purposes of travel for a period of time longer than five (5) minutes.

**CHAPTER 1. RAILROADS**

**CHAPTER 2. (RESERVED)**

**SECTION 16-101. RAILROADS TO IMPROVE STREETS AND ALLEYS.**

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two (2) feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the council by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the council by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two (2) feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the council by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the town is to use or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

**SECTION 16-102. SIDEWALKS TO BE CONSTRUCTED BY RAILROADS.**

Railway companies shall construct sidewalks crossing their rights of way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times.

**SECTION 16-103. CLIMBING ON TRAINS.**

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive, or railway car, while such is in motion within the town, unless such person is acting in line of duty, or to board any train or railroad car, 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 line of duty.

**SECTION 16-104. SPEED LIMIT FOR TRAINS.**

It is unlawful to drive, pull, move or operate a locomotive, train or other rolling stock of a railroad at a speed of more than twenty-five (25) miles per hour within the corporate limits of the town.

**SECTION 16-105. RAILROAD TRAINS NOT TO BLOCK STREETS.**

It is unlawful for the directing officer or person in charge of any railroad train or railroad car to direct the operation of or to operate the same in such manner as to prevent the use of

**PART 17 – UTILITIES**

**CHAPTER 1. GENERAL PROVISIONS**

**SECTION 17-101. APPLICATION FOR UTILITY SERVICE.**

Every person, firm or corporation desiring to have his premises connected with any of the town's utilities, water, sewer, electric, 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 17-102. SEPARATE SERVICE.**

Every separate premise 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, sewer or electricity to any other premises.

**SECTION 17-103. BILLS WHEN PAYABLE, DELINQUENCY, DISCONNECTION OF SERVICE.**

- A. 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:
1. A ten percent (10%) penalty of all amount owing on a utility bill is added to any utility bill which is not paid by the 15th of the month, if the 15th falls on a Town's holiday or a weekend the next day will not be considered delinquent. (Amended 05/17/93)
  2. If the bill remains unpaid as of ten (10) days after the due date on the bill then the following actions may result:
    - i. 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;
    - ii. The authorized agents of the town, upon direction of the town board of trustees, may discontinue to furnish water or electric 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 of the town to disconnect the water or electricity service.

If any utility service is discontinued or disconnected pursuant to this section, 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 section, plus any applicable charges or expenses in reconnecting or reestablishing the service.

- B. 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. All bills, penalties and fees collected as herein above specified shall be paid over to the town clerk. Nothing herein shall be construed as preventing the town from instituting suit for the recovery of any delinquent accounts.

- C. The town clerk may not accept payment of a water or electric bill without payment of the sewer service charge, nor shall the clerk accept payment of a sewer bill without payment of the water or electric bill. The failure to pay any utility bill in accordance with Subsections A and 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 17-104. RIGHTS RESERVED TO INTERRUPT SERVICE.**

The town reserves the right to shut off the supply of water or electricity without notice, for repairs, extensions, or for any other necessary reason, and no liability shall attach therefrom.

**SECTION 17-105. DAMAGING EQUIPMENT.**

It is unlawful and an offense for any person to damage, destroy or harm any electric or water pipe, hydrant, faucet, pole, including sewer, electrical, water or other equipment or property erected, placed or installed by or belonging to the town. In addition to other provisions herein, the offender shall reimburse the town for the actual cost of the replacement, repairs, parts, materials and labor to repair, replace or restore the property or equipment. (amended 02/04/91)

**SECTION 17-106. INTERFERENCE WITH MAINS, 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 any valve or stopcock belonging to the town. However, this section 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.

**SECTION 17-107. TAMPERING WITH METERS UNLAWFUL.**

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.

**SECTION 17-108. PROCEDURE FOR GOVERNING BOARD TO SET UTILITY RATES AND CHARGES.**

The board of trustees of the town shall establish future rates, charges, deposits, and fees for utility services by motion or resolution, as the case may be. A copy of the current rates and charges shall be available in the town clerk's office.

The following deposit rates were approved by motion at regular Council Meeting October 18, 1993.

TOTAL ELECTRIC HOME	\$160.00
RESIDENTIAL WATER	\$30.00
BUSINESS ELECTRIC	\$160.00
BUSINESS WATER	\$30.00
3-PHASE ELECTRIC	\$300.00
RESIDENTIAL ELECTRIC	\$100.00

At the meeting of June 30, 1998 to the above rates was added a Renter's rate on Electric and Water. This was done by motion. The rate is as follows:

RENTER'S ELECTRIC	\$200.00
RENTER'S WATER	\$ 50.00

Any person leaving town and not paying their utility bills will have to pay the bill they owe and pay double meter deposits before the can have their meters turned on if they should ever wish to return to the town.

**SECTION 17-109. UTILITY FEES AND BILLINGS IN GENERAL.**

All fees and charges in connection with any customer's use of the town's sanitary sewer system, the town's water facility system, the electricity system, or the operation of the town's collection and disposal of refuse and electric are billed in accordance with applicable rates set as provided in Section 17-108 of this code. All fees and charges owing for any of these utility services shall be billed on one monthly bill submitted to the customer each month.

**CHAPTER 2. WATER SERVICE**

**SECTION 17-201. APPLICATION TO MAKE CONNECTION TO WATER MAINS.**

Any person desiring to make a connection to a water main of the town is required to file a written application with the town clerk of the town to make the connection.

**SECTION 17-202. CONNECTIONS TO BE MADE IN ACCORDANCE WITH ORDINANCE AND LAW.**

Any person, firm or corporation who connects to the water mains of the town in violation of this chapter or other ordinances of the town or the laws of the state will be denied further water service until such ordinances and laws are complied with.

**SECTION 17-203. WATER DEPOSIT REQUIRED.**

Any person who desires to use water shall put up with the town clerk as a meter deposit the amount which is established. The board of trustees may establish classifications of customers, such as residences, mobile homes, location inside or outside of town limits, and various types of businesses, for different deposit requirements.

**SECTION 17-204. CONTRACT FOR WATER SERVICE.**

The application for water service shall contain a contract on the part of the person making the application:

- A. To pay for the water consumed at the rate prescribed by ordinance at the time the water is consumed;
- B. To recognize the right of the town to change the rate by ordinance at any time;
- C. To recognize the right of the town temporarily to 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;
- D. 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;
- E. Stating that the town shall not be responsible for any damage by water or other cause resulting from defective plumbing or appliances, and that 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;
- F. Providing 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;
- G. Providing that all meters are the property of the town; and
- H. Providing 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 providing further that unless the water deposit is claimed by the consumer within twelve (12) months after the consumer ceases to use the water or within twelve (12) months after the water is turned off for any cause by the town, then the consumer forfeits all right, title or interest in and to the water deposit.

**SECTION 17-205. ESTIMATE OF BILL.**

In all cases where meters or meter boxes are lost, injured or broken by willful 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. In case of nonpayment, the water shall be cut off and will not be turned on until such charges are paid. 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 17-206. CUSTOMER RESPONSIBLE FOR DAMAGE TO SYSTEM, STOP BOXES TO BE KEPT IN GOOD CONDITION.**

The customer is responsible for any damage to the water system installed by the town for service. There shall be a stopcock placed in the service line and located at every premises supplied with water. No stopcock shall be turned on or off by anyone except the authorized agent of the board of trustees except when a pipe, hydrant or fixture breaks, leaks or gets out of order, then it is the duty of the customer promptly to turn off the water and notify the proper authority. Customers shall keep their own pipe and fixtures in good repair and free from leaks at their own expense. No claim for damages shall be made against the town on account of the breaking or leaking of any valve or service, nor will any customer on account of any leak or water wasted after passing through the meter, and no plumber, customer, firm or corporation shall extend lines from the property to another without special permission from the board of trustees and no submetering shall be permitted except by consent of the board of trustees. (Prior Code, Sec. 18-6)

**SECTION 17-207. WATER SHORTAGES, DECLARATION OF EMERGENCY.**

- A. 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.
- B. 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.

**SECTION 17-208. RESTRICTION ON WATER USE IN EMERGENCY.**

- A. 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:
  - 1. Restrict water usage during certain periods of the day or week or according to any orderly and non-discriminatory scheme; and
  - 2. Prohibit usages not essential to public health and safety. The order may be revised from time to time as the mayor deems necessary.
- B. 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 by resolution approved by a majority of all its members votes to terminate the emergency and proclamation upon a different date.

**SECTION 17-209. PROCLAMATION AND NOTICE OF EMERGENCY.**

- A. The proclamation required by the preceding 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 section is sufficient to effect the emergency.

- B. 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 Paragraph A of this section is used, the proclamation shall be republished in accordance with Paragraph A within twenty-four (24) hours of the first notice.

**SECTION 17-210. 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.

**SECTION 17-211. PENALTIES.**

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 shall be punishable by a fine or imprisonment as provided in Section 1-108 of this code.

**CHAPTER 3. SEWER SERVICES**

**SECTION 17-301. CONFORMANCE TO RULES AND REGULATIONS.**

All connections to the sewers of the Town shall conform to the rules and regulations prescribed by the Town.

**SECTION 17-302. DEFINITIONS.**

- A. The term "Act" means the Federal Clean Water Act (33 U.S.C. 1251, et seq., as amended).
- B. The term "Indirect Discharge" means the introductions of pollutants into a POTW from any non-domestic source.
- C. The term "Industrial User" or "User" means a source of Indirect Discharge.
- D. The term "Inflow" means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as,

but not limited to roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage.

E. The term "Interference" means an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations for permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, and the Toxic Substances Control Act. An Industrial User significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such User:

1. Discharges a daily pollutant loading in excess of that allowed by contract with POTW or by Federal, State or local law;
2. Discharges wastewater which substantially differs in nature or constituents from the User's average discharge; or
3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

F. The term "Pass Through" means the discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contributes to a violation of any requirement of the POTW's duration of a violation. An industrial user significantly contributes to such a permit violation where it:

1. Discharges a daily pollutant loading in excess of that allowed by contract with POTW or by Federal, State or local law;
2. Discharges wastewater which substantially differs in nature or constituents from the User's average discharge; or
3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; and

4. Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

G. The term "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by Section 2121 of the Act, which is owned by a State or municipality (as defined in Section 502(4) of the Act). The definition includes any devices and systems used in the storage, treatment recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges from such a treatment works.

**SECTION 17-303. PERSONS TO COMPLY WITH CODE, RULES AND REGULATIONS.**

- A. No person, firm or corporation shall hereafter make any connection on any public sewer or any connection on any private sewer which in turn is connected with a public sewer, without complying with the Town's plumbing code and the rules and regulations herein set out. No person, firm or corporation shall connect more than one building to a single lateral leading to the public sewer system of the Town.
- B. The connection of the building sewer into the public sewer shall conform to the requirements of the BOCA National Building Code (latest edition) and the applicable rules and regulations of the Town of South Coffeyville.
- C. All new sanitary sewage works shall be designed and constructed with the requirements of the Oklahoma State Department of Environmental Quality Regulation.

**SECTION 17-304. CHARGES TO BE MADE FOR PERMIT.**

A charge prescribed by Section 17-306 of this code for each connection made on the sanitary sewer system of the town is levied for the right of the person, firm or corporation to make the connection to the sanitary sewer system of the town. It is the duty of the town clerk of the town to make this collection for issuing a permit to the applicant.

**SECTION 17-305. COMPLIANCE WITH ORDINANCES AND LAWS.**

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 is the duty of the plumbing inspector or other person designated by the town board of trustees to disconnect any sewers which have not been constructed in accordance with the town's plumbing code or connected in compliance with the ordinances and laws.

**SECTION 17-306. SEWER SERVICE CHARGE LEVIED.**

For the purpose of providing funds for the maintenance of the sanitary sewage system of the town and for other purposes, there is 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's office.

**SECTION 17-307. PROCEDURES; REQUIRED CONNECTION TO SEWER.**

- A. 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 thirty (30) days after official notice to do so.
- B. 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.
- C. 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, cess pool and any similar private sewage disposal facility shall be abandoned and filled with suitable materials. No septic tank or cess pool shall be permitted to discharge into the public sanitary sewer system.
- D. When sanitary sewer facilities become available, the failure to connect any dwelling, public building, commercial or industrial building with such facilities within thirty (30) days, shall result in the disconnection of any such building from the town's water lines by the town water 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 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.
- E. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer line or appurtenance thereof and before commencement of the construction of any dwelling, public building, commercial or industrial building shall obtain a written permit signed by the clerk of the town. 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 board of trustees of the town.

- F. 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.

**SECTION 17-308. PROHIBITED DISCHARGES.**

- A. General Prohibition. Pollutants introduced into POTW's by a non-domestic source shall not pass through the POTW or interfere with the operation or performance of the works. These general prohibitions and the specific prohibitions in paragraph (B) of this Section apply to all non-domestic sources introducing pollutants into a POTW whether or not the source is subject to other Natural Pretreatment Standards or any national, State or local pretreatment.
- B. Specific Prohibitions. Wastewater discharged into the sewer collection system and POTW shall not contain toxins or other pollutants in an amount or concentration that endangers public safety and physical integrity of the collection system and POTW or cause violation of effluent or water quality limitations. In addition, the following pollutants shall not be introduced into a POTW:
  - 1. Pollutants which create a fire or explosion hazard in the POTW;
  - 2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 6.5;
  - 3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interferences;
  - 4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) Released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
  - 5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plan exceeds 40°C (104°F).
- C. All discharges shall be prohibited except those that meet the criteria from "Domestic Wastewater". BOD concentration shall not exceed 250 mg/l and the total suspended solids concentration shall not exceed 250 mg/l.
- D. Any new connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited.
- E. No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:



1. Injure or interfere with wastewater treatment processes or facilities;
  2. Constitute a hazard to humans or animals; or
  3. Create a hazard in receiving waters of the wastewater treatment plant effluent.
- F. All discharges shall be prohibited except those that meet the criteria for "Domestic Wastewater". Biochemical oxygen demand (BOD) concentration shall not exceed two hundred fifty (250) milligrams. Suspended Solids (SS) shall not exceed two hundred fifty (250) milligrams. This amount of two hundred fifty (250) milligrams is the maximum limit for average domestic wastewater.
- G. All industrial discharges are prohibited. At the present time there are no industrial users in the City. If an industrial user should desire to locate in the City and make use of the sewage system, an Industrial Cost Recovery System shall be initiated in accordance with EPA and State regulations at that time to compensate for this use of the system.

**SECTION 17-309. TOXIC POLLUTANTS CHARGE.**

Each user that discharges any toxic pollutants which cause an increase in the cost of managing the facilities used as the wastewater treatment works shall pay for such increased costs.

**SECTION 17-310. INTERCEPTORS AND SEPARATORS WHERE REQUIRED.**

- A. When Required. Interceptors or separators shall be provided when, in the opinion of the Plumbing Official, they are necessary for the proper handling of wastes containing ingredients harmful to the building drainage system, or sewage treatment plant or process.
- B. Size and Type. The size and type and location of each interceptor or separator shall be approved by the Plumbing Official.
- C. Type of Waste. No waste other than those requiring treatment or separation shall be discharged into any interceptor except as approved by the Plumbing Official.
- D. Grease Interceptors. A grease interceptor shall be installed in the waste line from sinks, drains or other fixtures in the following establishments when, in the opinion of the Plumbing Official, a hazard exists: Bars, restaurants, hotel kitchens, factory cafeterias, clubs, car washes or other uses where grease can be introduced into the drainage system in quantities that can affect line stoppage or hinder sewage disposal.
- E. Oil Separators. An oil separator shall be installed in the drainage system section of the system where, in the opinion of the Plumbing Official, a hazard exists or where oils or other flammables can be introduced or admitted into the drainage system by accident or otherwise.

- F. Sand Interceptors. Sand and similar interceptors for heavy solids shall have a water seal of not less than 2 inches.
- G. Venting Interceptors. Interceptors shall be so designed that they will not become air bound if closed covers are used. Each interceptor shall be properly vented.
- H. Accessibility of Interceptors. Each interceptor shall be so installed as to provide ready accessibility to the cover and means for servicing and maintaining the interceptor in working and operating condition. The use of ladders or the removal of bulky equipment in order to service interceptors shall constitute a violation of accessibility.

**SECTION 17-311. SEWER TAPS AND CONNECTIONS; FEES; UTILITY DEPOSITS.**

The authority shall approve any request for a water tap and connection, a sewer tap on an existing line or a sewer tap on a new line and Prior to granting this approval, the customer shall have paid the connection or tap charge as applicable. Additionally, a deposit shall serve as a guarantee for the payment of charges for utility service and other amounts owed in connection with the utility service. It shall be held in trust by the Authority. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the Authority have been satisfied, shall be returned to the customer.

Section 17-301 to 17-311 effective 12/02/96.

**CHAPTER 4. ELECTRIC SERVICE**

**SECTION 17-401. APPLICATION TO MAKE CONNECTION TO ELECTRIC SYSTEM.**

Any person desiring to make a connection to an electric system of the town is required to file a written application with the town clerk of the town to make the connection.

**SECTION 17-402. CONNECTIONS TO BE MADE IN ACCORDANCE WITH ORDINANCE AND LAW.**

Any person, firm or corporation who connects to the electric system of the town in violation of this chapter or other ordinances of the town or the laws of the state will be denied further electric service until such ordinances and laws are complied with.

**SECTION 17-403. ELECTRIC DEPOSIT REQUIRED.**

Any person who desires to use electricity shall put up with the town clerk as a meter deposit the amount which is established. The board of trustees may establish classifications of customers, such as residences, mobile homes, location inside or outside of town limits, and various types of businesses, for different deposit requirements.

**SECTION 17-404. CONTRACT FOR ELECTRIC SERVICE.**

The application for electric service shall contain a contract on the part of the person making the application:

- A. To pay for the electricity consumed at the rate prescribed by ordinance at the time the electricity is consumed;
- B. To recognize the right of the town to change the rate by ordinance at any time;
- C. To recognize the right of the town temporarily to discontinue electric service at any time without notice to the consumer, to install, repair or remove an electric meter or for any other proper cause;
- D. 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;
- E. Stating that the town shall not be responsible for any damage by electricity or other cause resulting from defective appliances, and that the fact that an agent of the town has inspected 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;
- F. Providing that the town shall not be liable for damages resulting from the interruption or failure of the supply of electricity, 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;
- G. Providing that all meters are the property of the town; and
- H. Providing that the electric deposit, or so much thereof as may be necessary, may be retained by the town and applied by the town on any unpaid electric bill of the consumer; and providing further that unless the electric deposit is claimed by the consumer within twelve (12) months after the consumer ceases to use the electricity or within twelve (12) months after the electricity is turned off for any cause by the town, then the consumer forfeits all right, title or interest in and to the electric deposit.

#### **SECTION 17-405. ESTIMATE OF BILL.**

In all cases where meters or meter boxes are lost, injured or broken by willful 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. In case of nonpayment, the electricity shall be cut off and will not be turned on until such charges are paid. 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 electric 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 17-406. CUSTOMER RESPONSIBLE FOR DAMAGE TO SYSTEM, STOP BOXES TO BE KEPT IN GOOD CONDITION.**

The customer is responsible for any damage to the electric system installed by the town for service. There shall be a stopcock placed in the service line and located at every premises supplied with electricity. No stopcock shall be turned on or off by anyone except the authorized agent of the board of trustees, except in an emergency. It is the duty of the customer promptly to turn off the electricity and notify the proper authority.

#### **SECTION 17-407. PENALTIES.**

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 shall be punishable by a fine or imprisonment as provided in Section 1-108 of this code.

### **CHAPTER 5. REFUSE COLLECTION AND DISPOSAL**

#### **SECTION 17-501. DEFINITIONS.**

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

- A. "Bag" must contain a minimum of one and one-half (1 ½) mil. plastic;
- B. "Container" ninety-five (95) gallon poly-cart, provided by refuse collector;
- C. "Person" means any institution, public or private corporation, individual, partnership, or other entity;
- D. "Premises" means land, buildings or other structures, vehicles, water craft, or parts thereof, upon or in which refuse is stored;
- E. "Refuse" means all solid wastes, including garbage and trash;
- F. "Garbage" means all putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse from any premises within the town limits;
- G. "Trash" means rubbish of all nature and character, including but not limited to tin cans, bottles, papers, boxes, but excluding the following:
  - 1. Debris from construction or repair.
  - 2. Leaves, trees or any portion thereof, grass clippings, or any yard waste.
  - 3. Industrial waste, chemicals, hazardous or combustible material.
  - 4. Burnt trash and/or ashes.
  - 5. Rocks.
  - 6. Carcasses of dead animals.
  - 7. White goods,(appliances)

8. Any other material the town's representatives determines likely to cause damages to equipment or injury to persons collecting same; and
- H. "Town health officer" means that person so designated to act by the town board of trustees, at a compensation also set by the town board of trustees, if any.

**SECTION 17-502. ACCUMULATIONS OF GARBAGE AND REFUSE.**

- A. It is the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates, to have a portable container or containers for refuse a provided poly-cart. The collection service is to provide and at all times maintain in good order and repair, on any premises at least, 1 (one) 95 (ninety-five) gallon poly-cart container for refuse, rodent proof and fly proof, with tight fitting lids. All containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes and any other insects-;
- B. All trash from residences shall be placed in a bag and securely tied and placed in the provided poly-cart and moved to the front of the dwelling for collection. Trash from commercial businesses shall be placed in a provided container from the collection service under contract with said service.
- C. All poly-carts shall be kept in a location for collection, as designated by the town. All containers and grounds immediately around same shall be kept in a safe and sanitary condition at all times. All poly-carts must be removed from the street side and placed back inside the property limits at the dwelling within 24 hours of collection.
- D. There shall be no open burning on the premises, unless the operations are carried out in an approved-type incinerator, or approval is obtained from the town health officer.

**SECTION 17-503. COLLECTION OF GARBAGE AND RUBBISH, MANDATORY.**

- A. The town or its authorized representative, shall collect from all areas of the town all garbage and trash, and (one) 1 large household item per week on a regular schedule collection day; provided, that it is the duty of any person in possession or control of any premises to place the provided container or large household item, in a location easily accessible to the collector as directed by the town health officer.
- B. The places having rubble and excessive accumulations of garbage and rubbish may be excluded from the service, and such accumulations shall then be removed and disposed of at the expense of the owner or person having charge; provided, that the owner, person having such accumulations in charge, or collection agent shall secure permission from the town health officer for removal and disposal of same.

- C. Carcasses of animals such as cows, horses and mules, shall be removed and disposed of at the expense of the owner or person having same in charge and by the method directed by the town health officer.
- D. Heavy accumulations such as brush, broken concrete, ashes, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same under the direction of the town health officer.
- E. Manure from cow lots, horse stables, poultry yards, pigeon lofts, and other animals or fowl pens, and waste oils from garages or filling stations or materials considered hazardous or dangerous, shall be removed and disposed of at the expense of the person controlling same in the manner and by the method directed by the town health officer.
- F. The placing of garbage or trash or any refuse material in any street or alley within the town limits or the disposal of such refuse at any place within the town limits, except at such place as may be directed by the town health officer is prohibited.
- G. The meddling or tampering with refuse containers or in any way pilfering, scattering contents, or junking in any alley or street within the town limits without the consent of the owner is prohibited.

**SECTION 17-504. CONTRACT AND DISPOSAL.**

- A. The town shall have authority to enter into contractual obligation with those who wish to engage in the business of refuse collection or refuse disposal for compensation in the town. The town shall be limited to contracting for such service to contract only with persons having proper equipment, meeting State Department of Health requirements, and sufficient personnel to collect and dispose of refuse in accordance with the provisions of this ordinance; and provided further that the method of disposal contracted for must be in accordance with the requirements of this chapter.
- B. It is unlawful for any person who does not do so under approval by the town to engage in the business of refuse collection or refuse disposal for compensation in the town.

**SECTION 17-505. 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 17-506. FEES.**

There is charged, assessed and collected from each residential and commercial unit such amounts as set by the town board of trustees by motion or resolution.

**SECTION 17-507. DUTY TO REQUEST GARBAGE SERVICE.**

To assist in maintaining the general sanitation of the town it is the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the town garbage department at the beginning of such occupancy and request, accept and use the garbage pickup and collection service; provided, however, that failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the town from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed and causing the fees or charges therefore to be paid.

**SECTION 17-508. PENALTY.**

Any person violating any of the provisions of this chapter shall be fined as provided in Section 1-108 of this code.

**CHAPTER 6. INDUSTRIAL RATE**

**SECTION 17-601. RATE SCHEDULE INDUSTRIAL.**

Non-Demand Primary Service

**SECTION 17-602. AVAILABILITY.**

To all customers in the South Coffeyville Industrial Park with nonresidential use.

**SECTION 17-603. CHARACTER OF SERVICE.**

At such phase and voltage as the department may have available for the customer's location and requirements for primary service.

**SECTION 17-604. MONTHLY RATES.**

Non-Demand Primary Service subject to a minimum bill, applicable fuel adjustments, customer charge, and taxes.

KWH	Cost
0-50	\$25.00
50-1,000	\$0.085
1,001-10,000	\$0.065
>10,000	\$0.055

**SECTION 17-605. MINIMUM BILL.**

Determined either by customer projected KW demand or measured KW demand at discretion of the Town of South Coffeyville.

Minimum Bill:  
Contract KW: 425  
Minimum Bill \$2,400

The minimum will be the greater of \$2,400 (before fuel and taxes) or the INDUSTRIAL Non-Demand – Primary Service Rate.

**SECTION 17-606. REACTIVE POWER ADJUSTMENT.**

The department, at its option, may measure the reactive power taken. Power factor is subject to correction at customer expense.

**SECTION 17-607. METERING ADJUSTMENT.**

When the department installs a primary meter that does not compensate for transformer losses, the customer's total bill including fuel adjustment and reactive power adjustment shall be decreased by two (2) percent. No discount is allowed when the department furnishes more than one transformer bank.

**SECTION 17-608. DETERMINATION OF DEMAND.**

Kilowatt demand will be determined by suitable demand instruments, or at the department option, by demand tests, and shall be the highest average kilowatt demand measured in any thirty-minute period during the month.

**SECTION 17-609. METERING OPTION.**

At the department's option suitable metering equipment may be installed on the primary side of the transformer serving the customer.

# ADDITIONAL ORDINANCES & RESOLUTIONS

**ORDINANCE NO. 2009-04**

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY**

**WHEREAS**, the Town of South Coffeyville, Oklahoma in the County of Nowata wishes to annex an area consisting of, a tract of land in the E ½ of the SE ¼ of the NE ¼ of Section 18, Township 29 North, Range 16 East of the Indian Meridian, and

**WHEREAS**, pursuant to statute the appropriate public hearings have been opened, conducted and closed; and,

**WHEREAS**, the Council now finds:

1. The Tract is contiguous and platted to the Town as required by O.S.S. Title 11-21-108 and
2. The Town has developed and adopted a written service plan herein attached as Exhibit A; and

**WHEREAS**, the Council believes it is in the best interest of the Town that the Parcel be annexed into the Town.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** that, pursuant to the provisions of Oklahoma Title 11-21-103, as from time to time amended, the Parcel is hereby annexed into the Town and the initial zone district designation is hereby established as R-1 Residential and the initial Town Council Ward shall be Council Ward 3; and

**IT IS HEREBY FURTHER ORDAINED** that the following terms and conditions apply to the annexation of the Parcel: The effective date of the ordinance shall be postponed to August 17, 2009.

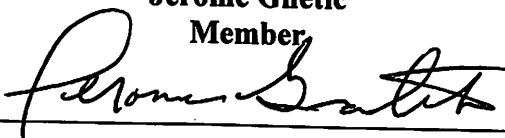
**IT IS HEREBY FURTHER ORDAINED** that pursuant to the provisions of Oklahoma title 11-21-112, the Mayor of the Town of South Coffeyville is hereby ordered to immediately:

1. File and record a duly certified copy of the annexation ordinance together, with an accurate map or plat of the territory, in the office of the county clerk of the county in which the territory is located and with the Ad Valorem Division of the Oklahoma Tax Commission. The record in the office of the county clerk shall be conclusive evidence of such annexation or detachment.
2. Publish a notice of the adoption of this ordinance.

This Ordinance shall be in full force and effect on the 17 day of August 2009, in accordance with law.

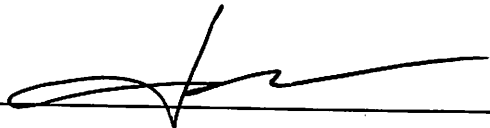
All of which is ordained this 17 day of August 2009.

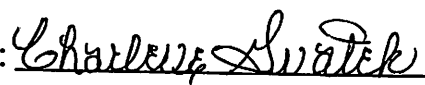
**THE TOWN COUNCIL OF SOUTH COFFEYVILLE, NOWATA COUNTY, OKLAHOMA.**

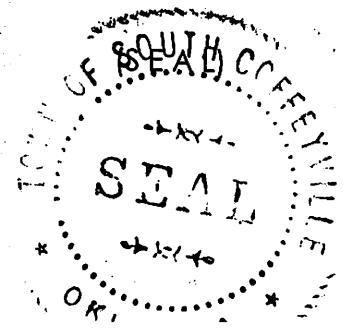
YES	Member	NO
X	<b>Jim Wilhelms</b> Mayor	
K	<b>Jim Wilson</b> Vice Mayor	
X	<b>Lonetta Hooper</b> Member	
	<b>Clifton Snider</b> Member	
X	<b>Jerome Gnetic</b> Member 	

PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of South Coffeyville, Oklahoma. This 17 day of August, 2009.

TOWN OF SOUTH COFFEYVILLE, OKLAHOMA

By:   
 Jim Wilhelms (Mayor)

Attest:   
 (Town Clerk)



STATE OF OKLAHOMA

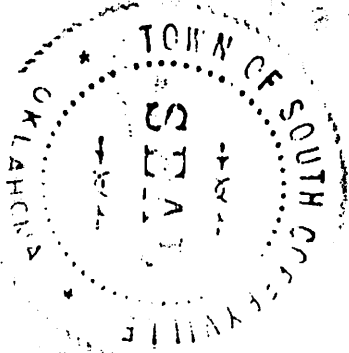
COUNTY OF NOWATA

I, Charlene Gnatek, Town Clerk, in and for said County and State, do hereby certify that the foregoing is a true and exact copy of Ordinance No. 2009-04 of record in the office of said Town Clerk.

Witness my hand and official seal this 17<sup>th</sup> day of August, 2009.

*Charlene Gnatek*

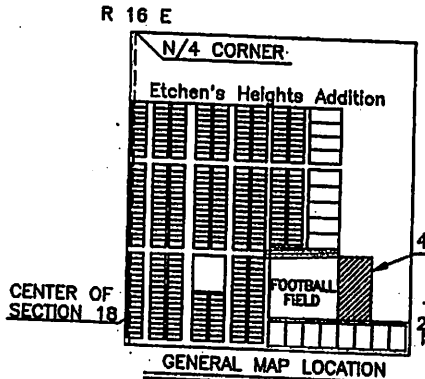
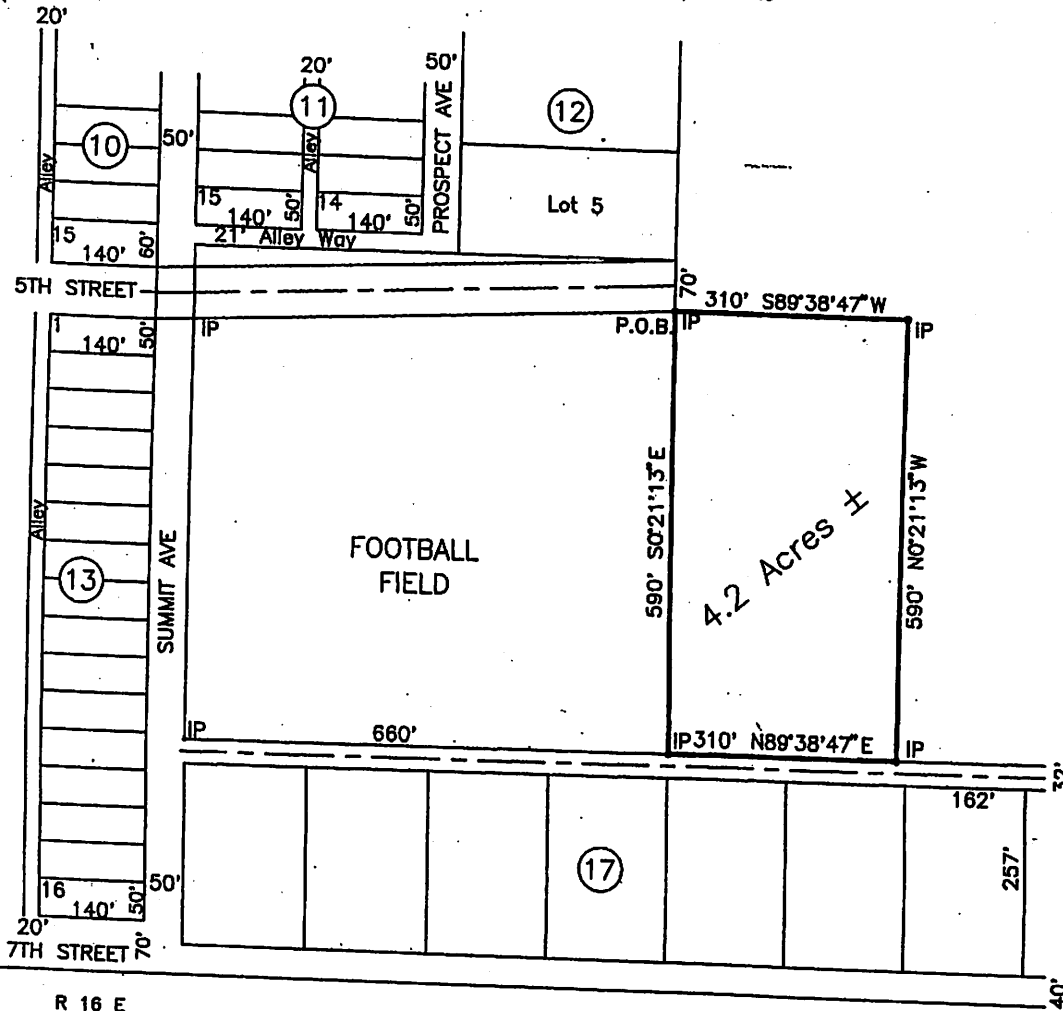
Charlene Gnatek, Town Clerk





**BROWN'S SURVEYING SERVICES**

P.O. BOX 522, NOWATA, OK. (918)273-2843



**LEGAL DESCRIPTION**

A tract of land in the E/2 SE/4 NE/4 Section 18, T-29-N, R-18-E. More Particularly described as: Beginning at a Point 70 Ft. S00°21'13"E of the SE Corner of Lot 5 Block 12 of Etchen's Heights Addition to South Coffeyville, Nowata County, Oklahoma; Thence S00°21'13"E on the same Bearing as the East line of said Block 12, Etchen's Heights Addition 590 Ft.±, to a Point on the North R/W line of a Street along the North side of Block 17, Etchen's Heights Addition, Said Point being 660 Ft. East of the West Line of said Block 17; Thence N89°38'47"W along North R/W of Street 310 Ft.; Thence N00°21'13"E 590 Ft.; Thence S89°38'47"W 310 Ft., to the Point of Beginning. Containing 4.2 Acres More or Less.

**SURVEYOR'S CERTIFICATE**

I, RALPH BROWN, A REGISTERED LAND SURVEYOR WITH BROWN'S SURVEYING SERVICE OF NOWATA, OKLAHOMA DO HEREBY CERTIFY THAT THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF A SURVEY DONE UNDER MY DIRECTION, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT AN INDEPENDENT SEARCH OF THE ABSTRACT OR RECORDED DOCUMENTS TO DETERMINE EASEMENTS OR RESTRICTIONS WAS NOT MADE.

SIGNED AND SEALED THIS 4th DAY OF SEPTEMBER, 1988

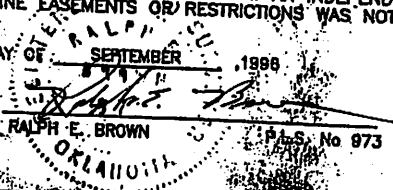


Exhibit A

School lands to be annexed

**A tract of land in the E ½ of the SE 1/4 of the NE 1/4 of Section 18, Township 29 North, Range 16 East of the Indian Meridian more particularly described as follows:**

**Beginning at a point 70 feet South 00 degrees 21' 13" East of the Southeast corner of Lot 5, in Block 12 of Etchen's Heights Addition to South Coffeyville, Nowata County, Oklahoma; hence South 00 degrees 21' 13" East on the same bearing as the East line of said Block 12, Etchen's Heights Addition 590 feet more or less, to a point on the North R/W line of a Street along the North side of Block 17, Etchen's Height Addition, said point being 660 feet East of the West line of said Block 17; then North 89 degrees 38' 47" East along North R/W of Street 310 feet; then North 00 degrees 21' 13" West 590 feet; then South 89 degrees 38' 47" West 310 feet, to a point of beginning, containing 4.2 acres, more or less.**

## **SERVICE PLAN FOR PROPOSED AREA OF ANNEXATION**

In accordance with Town Council policy and to implement state law, the Town of South Coffeyville has prepared this Municipal Annexation Service Plan for the area being considered for annexation. This document includes a program under which the municipality proposes to provide the following municipal services in the annexed area, following the effective date of the annexation. Where the area included in the annexation is undeveloped, or not fully developed, the Service Plan considers the current level of development and existing land uses. These will normally be maintained, unless and until the landowner chooses to develop the land under applicable law and procedures.

It is the purpose of the Council to benefit both the Town as an entity and the general public by the implementation of this plan.

### **SPECIFIED MUNICIPAL SERVICES TO BE PROVIDED:**

#### **POLICE PROTECTION**

The Town of South Coffeyville will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities to this area can be effectively accommodated within the current budget and staff appropriation. Response to calls for service shall be available upon the effective date of the ordinance. The Department will also implement the enforcement of the Town's animal control ordinances on the effective date of the annexation.

#### **FIRE PROTECTION**

The Fire Department will provide fire protection, and the public fire inspection services upon annexation at the same or similar level of service now being provided to other areas of South Coffeyville. Adequate fire suppression activities can be provided to the annexed area within current budget appropriation.

#### **WATER SERVICE**

Water treatment services will be made available to any un-served area, as of the date of annexation, and on an equal basis as any other area within the Town. Any new development of un-served land will be required to provide water delivery service, with the expense being borne by the developer, and the City Engineers or other staff will inspect the new system at time of

completion. The Town will then maintain the dedicated system upon acceptance and approval. As property develops in the annexation areas, water delivery service shall be provided in accordance with existing Town ordinances and codes.

### **SANITARY SEWER SERVICE**

Sewage treatment services will be made available to any un-served area annexed, as of the date of annexation, and on an equal basis as any other area within the town. Any new development of un-served land will be required to provide sanitary sewer collection service, with the expense being borne by the developer, and the City Engineers or other staff will inspect the new system at time of completion. The Town will then maintain the dedicated system upon acceptance and approval. As property develops in the annexation areas, sanitary sewer service shall be provided in accordance with existing Town ordinances and codes.

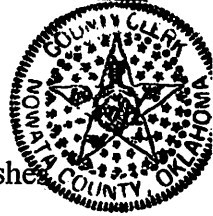
### **MISCELLANEOUS**

All other applicable municipal services will be provided to the area in accordance with the Town of South Coffeyville's established policies governing extension of municipal services to newly annexed areas within sixty (60) days of the effective date of annexation, to the extent only operational funds are involved.

Currently there is not an existing Capital Improvement Plan applicable to the land that is proposed to be annexed. Pursuant to Title 11 § 21-104, the Town will complete the service plan within one hundred twenty (120) months from the date of annexation unless a different time is determined by consensus between property owners and the Town at the hearing.

**ORDINANCE NO. 2011-04**

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY**



**WHEREAS**, the Town of South Coffeyville, Oklahoma in the County of Nowata wishes to annex an area consisting of,

**A tract of land in the E ½ of the SE ¼ of the NE ¼ of Section 18, Township 29 North, Range 16 East of the Indian Meridian more**

**Particularly described as follows:**

**Beginning at a point 70 feet South 00 degrees 21' 13" East of the South corner of Lot 5, in Block 12 or Etchen's Height Addition to South Coffeyville, Nowata County, Oklahoma; hence South 00 degrees 21' 13" East on the same bearing as the East line of said Block 12, Etchen's Heights Addition 590 feet more or less, to a point on the North R/W line of a Street along the North Side of Block 17, Etchen's Heights Addition, said point being 660 feet East of the West line of said Block 17; then North 89 degrees 38' 47" East along North R/W of Street 310 feet; then North 00 degrees 21' 13" West 590 feet; then Sout 89 degrees 38' 47" West 310 feet, to a point of beginning, Containing 4.2 acres, more or less.**

**Also the SW/4 SE/4 NE/L Less a strip of Land 16' wide off the West and South Side in Section 18, T29N R16E.**

**WHEREAS**, pursuant to statute the appropriate public hearings have been opened, conducted and closed; and,

**WHEREAS**, the Council now finds:

1. The Tract is contiguous and platted to the Town as required by O.S.S Title 11-21-108 and
2. The Town has developed and adopted a written service plan herein attached as Exhibit A; and

**WHEREAS**, the Council believes it is in the best interest of the Town that the Parcel be annexed into the Town.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** that, pursuant to the provisions of Oklahoma Title 11-21-103, as from time to time amended, the Parcel is hereby annexed into the Town and the initial zone district designation is hereby established as R-1 Residential and the initial Town Council Ward shall be Council Ward 3; and

**IT IS HEREBY FURTHER ORDAINED** that the following terms and conditions apply to the annexation of the Parcel: The effective date of the ordinance shall be postponed to \_\_\_\_\_ 2011.

**IT IS HEREBY FURTHER ORDAINED** that pursuant to the provisions of Oklahoma title 11-21-112, the Mayor of the Town of South Coffeyville is hereby ordered to immediately:

1. File and record a duly certified copy of the annexation ordinance or court order together with an accurate map or plat of the territory, in the office of the county clerk of the county in which the territory is located and with the Ad Valorem Division of the Oklahoma Tax Commission. The record in the office of the county clerk shall be conclusive evidence of such annexation or detachment.
2. Publish a notice of the adoption of this ordinance.

This Ordinance shall be in full force and effect on the 3 Day of October ~~2009~~ in accordance with law.

All of which is ordained this 3 day of October 2011.

**THE TOWN COUNCIL OF SOUTH COFFEYVILLE, NOWATA COUNTY, OKLAHOMA.**

YES	Member	NO
X	Jim Wilhelms Mayor	
X	Jim Wilson Vice Mayor	
X	Lonetta Hooper Member	
X	Nick DeVivo Member	
X	Jerome Gnatek Member	

PASSED, APPROVED AND ADOPTED by the Board of trustees of the Town of South Coffeyville,  
Oklahoma. This 3<sup>rd</sup> Day of October, 2011.

TOWN OF SOUTH COFFEYVILLE, OKLAHOMA

By: \_\_\_\_\_

Jim Wilhelms (Mayor)

Attest: Charlene Swatek

(Town Clerk)



## **SERVICE PLAN FOR PROPOSED AREA OF ANNEXATION**

In accordance with Town Council policy and to implement state law, the Town of South Coffeyville has prepared this Municipal Annexation Service Plan for the area being considered for annexation. This document includes a program under which the municipality proposes to provide the following municipal services in the annexed area, following the effective date of the annexation. Where the area included in the annexation is undeveloped, or not fully developed, the Service Plan considers the current level of development and existing land uses. These will normally be maintained, unless and until the landowner chooses to develop the land under applicable law and procedures.

It is the purpose of the Council to benefit both the Town as an entity and the general public by the implementation of this plan.

### **SPECIFIED MUNICIPAL SERVICES TO BE PROVIDED:**

#### **POLICE PROTECTION**

The Town of South Coffeyville will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities to this area can be effectively accommodated within the current budget and staff appropriation. Response to calls for service shall be available upon the effective date of the ordinance. The Department will also implement the enforcement of the Town's animal control ordinances on the effective date of the annexation.

#### **FIRE PROTECTION**

The Fire Department will provide fire protection, and the public fire inspection services upon annexation at the same or similar level of service now being provided to other areas of South Coffeyville. Adequate fire suppression activities can be provided to the annexed area within current budget appropriation.

#### **WATER SERVICE**

Water treatment services will be made available to any un-served area, as of the date of annexation, and on an equal basis as any other area within the Town. Any new development of un-served land will be required to provide water delivery service, with the expense being borne by the developer, and the City Engineers or other staff will inspect the new system at time of



completion. The Town will then maintain the dedicated system upon acceptance and approval. As property develops in the annexation areas, water delivery service shall be provided in accordance with existing Town ordinances and codes.

### **SANITARY SEWER SERVICE**

Sewage treatment services will be made available to any un-served area annexed, as of the date of annexation, and on an equal basis as any other area within the town. Any new development of un-served land will be required to provide sanitary sewer collection service, with the expense being borne by the developer, and the City Engineers or other staff will inspect the new system at time of completion. The Town will then maintain the dedicated system upon acceptance and approval. As property develops in the annexation areas, sanitary sewer service shall be provided in accordance with existing Town ordinances and codes.

### **MISCELLANEOUS**

All other applicable municipal services will be provided to the area in accordance with the Town of South Coffeyville's established policies governing extension of municipal services to newly annexed areas within sixty (60) days of the effective date of annexation, to the extent only operational funds are involved.

**ORIGINAL**

**RESOLUTION NO. 2011-05**

**A RESOLUTION TO AUTHORIZE THE TOWN OF SOUTH  
COFFEYVILLE TO EXECUTE A WATER PURCHASE CONTRACT WITH  
THE CITY OF COFFEYVILLE, KANSAS.**

BE IT RESOLVED by the Town Council of South Coffeyville, Oklahoma, that the Mayor and the Town Clerk be and are hereby authorized and directed to execute a Water Purchase Contract with the City of Coffeyville, Kansas in the form attached hereto and marked Exhibit "A".

Adopted this 17<sup>th</sup> day of October 2011.



Jim Wilhelms, Mayor

ATTEST:



---

Charlene Gnatek, Town Clerk

## WATER PURCHASE CONTRACT

This contract for the sale and purchase of water is entered into effective the 11 day of October 2011, between the City of Coffeyville, Kansas, a Municipal Corporation, 7<sup>th</sup> and Walnut Streets, P. O. Box 1629, Coffeyville, Kansas 67337 (hereinafter referred to as "Coffeyville") and the City of South Coffeyville, Oklahoma, a Municipal Corporation, P. O. Box 100, South Coffeyville, Oklahoma 74072 (hereinafter referred to as "South Coffeyville").

### WITNESSETH:

WHEREAS, Coffeyville owns and operates a water supply distribution system, which is currently capable of serving the customers of Coffeyville's system and the estimated number of 550 water users by South Coffeyville; and

WHEREAS, the Governing Body of the City of Coffeyville authorized the execution of this Contract by Resolution No. R-11-98, which was duly adopted on the 11 day of October 2011; and

WHEREAS, the Governing Body of the City of South Coffeyville authorized the execution of this Contract by Resolution No. 2011-05, which was duly adopted on the 17 day of Oct 2011; and

WHEREAS, Coffeyville desires to sell water to South Coffeyville and South Coffeyville desires to purchase water from Coffeyville, subject to the terms and conditions of this Contract.

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth,

#### A. Coffeyville's Obligations:

1. *Permission to Connect* - Coffeyville hereby grants permission to South Coffeyville to connect a six inch (6") main to the Coffeyville water system and the right to receive water therefrom; said main connections shall be located at Coffeyville approved locations near the intersection of South Willow Street and Osage Street in Coffeyville, Kansas (hereinafter referred to as the "Point of Delivery"); the Coffeyville main and meter shall be protected by a back-flow preventer approved by Coffeyville, which shall be furnished, installed, operated and maintained by South Coffeyville, at its own expense, on South Coffeyville's side of water meter. The back-flow preventer shall be tested annually by a state certified testing facility at the expense of South Coffeyville.

2. *Quality and Quantity* – Coffeyville agrees to furnish South Coffeyville at the Point of Delivery, during the term of this Contract or any extension thereof, potable water meeting applicable purity standards of the Kansas Department of Health and Environment in such quantity as may be required by South Coffeyville, but not to exceed 2,500 gallons per minute or 10 million gallons per month. From the Point of Delivery on, South Coffeyville is responsible for all water purity requirements and standards, including but not limited to chlorination requirements.
3. *Water Pressure* – Coffeyville agrees to provide water at a reasonably constant pressure of at least twenty (20) PSI at the Point of Delivery. If a greater pressure than that normally available at the Point of Delivery is required by South Coffeyville, the cost of providing such greater pressure shall be borne by South Coffeyville. Emergency failures of pressure or supply due to main supply line breaks, power failure, flood, fire and use of water to fight fire, earthquake or other catastrophe shall excuse Coffeyville from this provision for such reasonable period of time as may be necessary to restore service.
4. *Metering Equipment* – Coffeyville agrees to furnish, install, operate and maintain at its own expense at the Point of Delivery, the necessary metering equipment and required devices of standard type for properly measuring the quantity of water delivered to South Coffeyville. Calibration of such metering equipment whenever requested by South Coffeyville shall be at the expense of South Coffeyville. A meter registering not more than two percent (2%) above or below the test result shall be deemed to be accurate.

The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the six months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless the parties agree upon a different amount. The metering equipment shall be read on or about the same day of each month. An appropriate official of South Coffeyville shall have access to the meter at all reasonable times for the purpose of verifying its readings.

5. *Billing Procedure* – Coffeyville agrees to furnish South Coffeyville at the above address on or about the same day of each month, with an itemized statement of the amount of water furnished South Coffeyville during the preceding month.

B. South Coffeyville's Obligations:

1. *Rates and Payment Date* – South Coffeyville agrees to pay Coffeyville, no later than the due date listed on the itemized statement furnished pursuant to Section A.5., each month, for water delivered to the Point of Delivery, in accordance with the schedule of rates per 1000 gallons consumed outside the city limits plus the monthly customer charge for water for resale outside the city limits currently in effect by Resolution of the Coffeyville City Commission.
2. *Customers* – South Coffeyville agrees to provide Coffeyville with a list of all extraterritorial (i.e., outside the corporate limits of the City of South Coffeyville) customers as of the effective date of this Agreement. South Coffeyville agrees not to add or serve any new or additional extraterritorial customers without Coffeyville's prior approval. South Coffeyville agrees not to serve any new industry or other water districts without Coffeyville's prior approval.

C. It is further mutually agreed between Coffeyville and South Coffeyville as follows:


1. *Term of Contract* - This Contract shall extend for a term of five (5) years from the effective date. This Contract shall automatically extend for successive five (5) year periods unless either party notifies the other at least thirty (30) days prior to the expiration of the original term or extensions thereof.
2. *Failure to Deliver* - That Coffeyville, will at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish South Coffeyville with quantities of water required pursuant to the terms of this Contract. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or the supply of water available to Coffeyville is otherwise diminished over an extended period of time, the supply of water to South Coffeyville's customers shall be reduced or diminished in the same ratio or proportion as the supply to Coffeyville's customers is reduced or diminished.
3. *Modification of Rates/Other Terms* - The provisions of this Contract pertaining to the schedule of rates to be paid by South Coffeyville for water delivered are subject to modification. Any increase in rates shall be in the same proportion to increases in domestic retail consumer rates within Coffeyville, and shall be implemented contemporaneously therewith. Coffeyville will give South Coffeyville at least thirty (30) days written notice of its intention to increase rates. Other provisions of this Contract may be modified or altered only by mutual agreement.

- 4. *Regulatory Agencies* - This Contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in Kansas and parties will collaborate in obtaining such permits, certificates, or the like, as may be required to comply therewith.

In witness whereof, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed in three counterparts, each of which shall constitute an original.



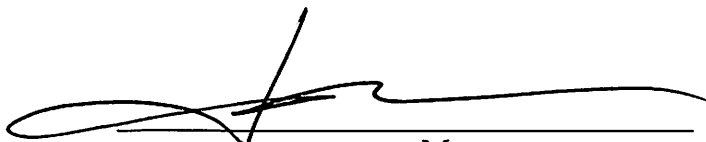
City of Coffeyville:

  
\_\_\_\_\_  
Pam Jones, Mayor

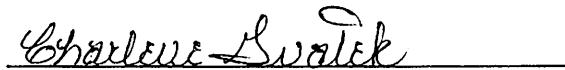
Attest:

  
\_\_\_\_\_  
Cindy Price, City Clerk

City of South Coffeyville:

  
\_\_\_\_\_  
, Mayor

Attest:

  
\_\_\_\_\_  
, City Clerk

**ORIGINAL**

**TOWN OF SOUTH COFFEYVILLE, OKLAHOMA**

**ORDINANCE NO. 2014-002**

AN ORDINANCE ACCEPTING, ADDING, AND ANNEXING TO THE TOWN OF SOUTH COFFEYVILLE, OKLAHOMA, ADDITIONAL LANDS AND TERRITORY, OF PART OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 15 EAST AND PART OF SECTION 18 TOWNSHIP 29 NORTH, RANGE 16 EAST, NOWATA COUNTY, OKLAHOMA, PROVIDED THAT FROM AND AFTER THE PASSAGE AND PUBLICATION OF THIS ORDINANCE THAT ALL OF THE REAL PROPERTY WITHIN SAID TERRITORY HEREIN DESCRIBED SHALL BE A PART OF THE TOWN OF SOUTH COFFEYVILLE, OKLAHOMA, AND FURTHER DECLARING THAT ALL PERSONS RESIDING THEREIN SHALL BE SUBJECT OF THE JURISDICTION, CONTROL LAWS, AND ORDINANCES OF THE TOWN OF SOUTH COFFEYVILLE, OKLAHOMA AND DIRECTING THE FILING OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

**Whereas**, public hearing have been held regarding the request for annexation of the property herein described, and

**Whereas**, the Town of South Coffeyville has considered the annexation of the above described property, and

**Whereas**, the property owners owning a majority of the acres within the territory to be annexed have consented to the annexation, and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SOUTH COFFEYVILLE, OKLAHOMA, THAT:**

Highway Sub Division Lot 8 in Section 18, Township 29 North, Range 16 East;

and

Highway Sub Division Lot 9, less ½ acre for Frank J. Marach and less 1 ½ acre tract in Section 18, Township 29 North, Range 16 East;

and

Highway Sub Division Lot 9, beginning at Northeast Corner of lot 9 thence running West 288.5', South 142', due East to Northeasterly along West line of said highway to point of beginning in Section 18, Township 29 North, Range 16 East;



and

Highway Sub Division in Lot 9, beginning at a point 288.5' West of the Northeast corner of said lot, then South 143' East to East line of said lot, then Southwesterly along said line to a point that is 342' due East of the West line of said lot, then North 67', West 230', North 164' to the North line then East to point of beginning in Section 18, Township 29 North, Range 16 East;

Highway Sub Division Lot 10 in Section 18, Township 29 North, Range 16 East;

and

Highway Sub Division Lot 11 in Section 18, Township 29 North, Range 16 East;

and

That part of the North 484.52' of the Northeast Northeast Northeast (NE NE NE) of Section 24 described as beginning at the Northeast corner of the Southeast corner thence running West along the North line of Section 615.7' to a point of intersecting with the East fence of the new United States Highway 169 thence running South Southwesterly along said fence 350' to an angle in fence thence continuing South Southwesterly along fence 113.8' to another angle in fence thence continuing along fence 23.65' to the Southwest corner of said tract thence running East and parallel to the North line of Section 654.9' to a point on the East line of Section 24 thence running North on East line 484.52' to the place and point of beginning in Section 24, Township 29 North, Range 15 East;

and

South 176.3' of the Northeast Northeast Northeast (NE NE NE) lying east the Right of Way and the South Half Northeast Northeast (S/2 NE NE) and Southeast Northeast (SE NE) lying East of United States Highway 169 Right of Way in Section 24, Township 29 North, Range 15 East;

All of the above described property is highlighted on Exhibit "A".

be, and the same is hereby annexed to, made a part of, and added to the Town of South Coffeyville, Oklahoma, and the corporate limits thereof be and are hereby extended to include the above described territory and real estate.

Section 1. That from and after the passage and publication of this ordinance, the real estate and territory described herein shall be a part of the Town of South Coffeyville, Oklahoma, and



all persons residing therein, and all property situated thereon, shall be and are hereby declared to be subject to the jurisdiction, control, laws, and ordinances of the Town of South Coffeyville, Oklahoma, in all respects and particulars.

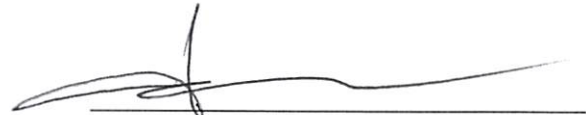
Section 2. All ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of the conflict only.

Section 3. If any part or parts of this ordinance are deemed unconstitutional, invalid or ineffective, the remaining portion shall not be affected but shall remain in full force and effect.

Section 4. The provisions of this ordinance shall become effective thirty (30) days from the date of final passage as provided by State law.

Section 5. That there be filed in the office of the County Clerk of Nowata County, Oklahoma, a true and correct copy of this ordinance and correct map of the territory annexed.

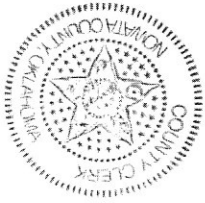
PASSED AND APPROVED THIS 21 day of April, 2014.



Jim Wilhelms, Mayor

ATTEST:

  
Town Clerk



 ORIGINAL

ORDINANCE NO. 2017-5

**AN ORDINANCE CLOSING A STREET LOCATED IN BLOCKS 15 AND 16 OF ETCHEN HEIGHTS ADDITION TO THE TOWN OF SOUTH COFFEYVILLE, NOWATA COUNTY, OKLAHOMA.**

WHEREAS, the Town of South Coffeyville, Nowata County, Oklahoma, has been requested to enact an Ordinance closing the street located in Blocks 15 and 16 of Etchen Heights Addition to the Town of South Coffeyville, Nowata County, Oklahoma; and

WHEREAS, due and proper notice of the consideration of this Ordinance has been duly given; and

WHEREAS, a portion of said street that has been requested to be closed has never been used by the public nor opened as a street and that it is appropriate for the Town of South Coffeyville to enact this Ordinance closing said street.

NOW THEREFORE, be it ordained by the Town Council of the Town of South Coffeyville, Nowata County, Oklahoma, that the following described street, to-wit:


The West 66 feet of Lake Drive bounded on West by Block 16 and bounded on East by Block 15, Etchen Heights Addition, South Coffeyville, Nowata County, Oklahoma;

AND

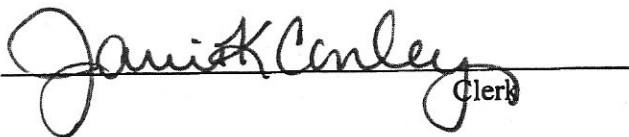
North 36 feet of 7th Street bounded on North by Block 16, Etchen Heights Addition and bounded on South by SW/4 SE/4 of Section 18, Township 29 North, Range 16 East, Nowata County, Oklahoma

be and is hereby closed.

PASSED BY THE TOWN COUNCIL AND APPROVED BY THE MAYOR OF THE TOWN OF SOUTH COFFEYVILLE, OKLAHOMA, THIS 5 DAY OF June, 2017.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk

97-11

R E S O L U T I O N

Comes now the Board of County Commissioners of Nowata County, acting in regular session on this 7 day of Oct., 1996, and does hereby adopt the following Resolution:

WHEREAS, the Board of County Commissioners have been requested by the Town of South Coffeyville to make application establishing a Supplemental Emergency Services District for the area covered in Northern Nowata County serviced by the 911 Emergency System and,

WHEREAS, the Board of County Commissioners are authorized pursuant to O.S. Title 63 § 2454 A., to make application to the State Commissioner of Health for establishment of a Supplemental Emergency Services District, only by means of a duly adopted resolution of the board of county commissioners of any county of this state having any portion of its territory within the requested boundaries of such District and,

WHEREAS, the described area of Northern Nowata County is not adequately served by fast, efficient fire protection or emergency medical services provided by a municipality or other governmental body located within the State of Oklahoma and,

WHEREAS, prior to the adoption of this resolution the Nowata Board of County Commissioners caused to be published for two (2) consecutive weeks on September 19, 1996 and September 26, 1996 in the Nowata Star, a newspaper of general circulation within the county, a notice of the intention to adopt such resolution and,

WHEREAS, the publication specified the requested boundaries of the Supplemental Emergency Services District, and required that any person objecting to establishment of the District on the grounds that the area encompassed within the District is adequately served by fast, efficient fire protection or emergency medical services provided by a municipality or other governmental body located within the State of Oklahoma, give written notice to the Nowata Board of County Commissioners at 229 North Maple, Nowata, Oklahoma, 74048, not later than October 6, 1996, being not more than ten (10) days after the date of the second publication of such objection including the name, address and phone number of the party objecting and,

WHEREAS, the Nowata Board of County Commissioners have not received any objections to establishment of the District on the grounds that the area encompassed within the District is adequately served by fast, efficient fire protection or emergency medical services provided by a municipality or other governmental body located within the State of Oklahoma, following more than ten (10) days after the second publication of notice of the intention to adopt the resolution,

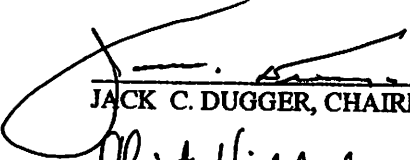
BE IT THEREFORE RESOLVED, that this Board of County Commissioners of Nowata County, Oklahoma, do hereby adopt this resolution to make application to establish a Supplemental Emergency Services District for the area covered in Northern Nowata County serviced by the 911 Emergency System, with the requested boundaries as follows.

Boundaries to be requested in the resolution to establish the Supplemental Emergency Services District will be South of the Kansas - Oklahoma border from Road 405 South approximately four and one-half (4 1/2) miles, then East to approximately the center of the Section between Road 412 and 413, then South approximately one (1) mile, then East to Road 413, then South approximately three (3) miles to Hickory Creek, then East to the West boundary

of the Verdigris River, looping to the South and then in a North and East direction to Road 6, then East approximately six and a quarter (6 1/4) miles to Road 423, then North approximately five (5) miles to the Oklahoma - Kansas border. The described area being that area in Northern Nowata County serviced by the 911 Emergency System.

ADOPTED by majority vote of the Board of County Commissioners of Nowata County on the above date.


BOARD OF COUNTY COMMISSIONERS  
NOWATA COUNTY, OKLAHOMA

  
\_\_\_\_\_  
JACK C. DUGGER, CHAIRMAN

  
\_\_\_\_\_  
CLINT HILDABRAND, MEMBER

  
\_\_\_\_\_  
JOE AKERS, VICE-CHAIRMAN

Attest:

  
\_\_\_\_\_  
TERESA JACKSON, COUNTY CLERK

**RESOLUTION 2006-03**

**AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE RURAL ECONOMIC ACTION PLAN FUND.**

*Whereas*, the Town of South Coffeyville desires to seek funding from the Rural Economic Action Plan Fund for streets in said Town of South Coffeyville; and

*Whereas*, it is in the best interest of the residents of the Town of South Coffeyville to expedite the preparation and submission of an application for financial assistance from the Rural Economic Action Plan Fund, in the form of a grant.

**NOW, THEREFORE, BE IT RESOLVED** that, the Mayor of The Town of South Coffeyville is hereby authorized and directed to sign an application and related documents necessary to file and process a grant application through Grand Gateway EDA's Rural Economic Action Plan Fund on behalf of the Town of South Coffeyville.

**PASSED AND APPROVED** by the Town of South Coffeyville this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

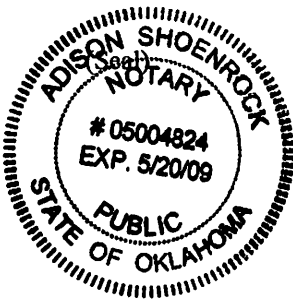
By: Jim Wilhelms  
Mayor

Subscribed and sworn before me this 17 day of July, 2006.

ATTEST:

Adison Shoerock  
Clerk/Notary Public

My Commission Expires: 5/20/09



**RESOLUTION 2006-04**

**AUTHORIZING GUIDELINES SET FORTH BY THE NATIONAL INCIDENT  
MANAGEMENT SYSTEM**

*Whereas*, the Town of South Coffeyville has passed by vote of the council to agree to follow guidelines of the National Incident Management System for use by all departments as an Incident Management tool.

**NOW, THEREFORE, BE IT RESOLVED** that, all departments, employees, and agencies of the Town of South Coffeyville will/shall follow the guidelines set forth by the National Incident Management System.

**PASSED AND APPROVED** by the Town of South Coffeyville this 21 day of August, 2006.

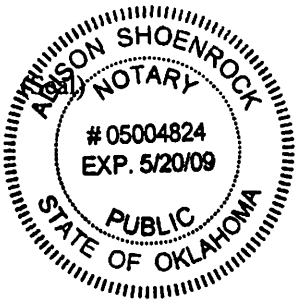
By: Jim Wilhelms  
Mayor

Subscribed and sworn before me this 21 day of August, 2006.

**ATTEST:**

Robison Swered  
Clerk/Notary Public

My Commission Expires: 5/20/09



RESOLUTION NO. 2006-05

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF SOUTH COFFEYVILLE, OKLAHOMA,  
ESTABLISHING THE NATIONAL INCIDENT  
MANAGEMENT SYSTEM (NIMS) AS THE STANDARD  
FOR INCIDENT MANAGEMENT IN THE CITY OF  
SOUTH COFFEYVILLE, OKLAHOMA.**

**WHEREAS**, The President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

**WHEREAS**, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

**WHEREAS**, it is necessary and desirable that all Federal, State, local, and tribal emergency agencies; and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the city's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the city, including current emergency management training programs; and

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; and

**WHEREAS**, a specific individual needs to be designated as Local Point of Contact (LPOC) to coordinate NIMS activities and to ensure compliance;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of South Coffeyville, Oklahoma, that the National Incident Management System (NIMS) is hereby established as the standard for incident management in the City of South Coffeyville, Oklahoma.

**BE IT FURTHER RESOLVED** that Mitch Lakey, is hereby designated as the Local Point of Contact (LPOC).

**PASSED, APPROVED AND ADOPTED** this 18 day of September, 2006, by the Mayor and City Council of the City of South Coffeyville, Oklahoma.

Jim Wilhelms  
{NAME}  
Mayor

ATTEST:

Patricia Shoerock  
{NAME}  
City Clerk

(Seal)



**RESOLUTION 2007-03**

**A RESOLUTION OF THE TOWN OF SOUTH COFFEYVILLE, OKLAHOMA, A MUNICIPAL CORPORATION, PROCLAIMING THE MONTH OF APRIL, 2007 AS FAIR HOUSING MONTH IN THE TOWN OF SOUTH COFFEYVILLE, OKLAHOMA, AND IDENTIFYING THE ACTIVITIES TO FURTHER FAIR HOUSING.**

**WHEREAS**, in April of 1968 one of the Nation's most important pieces of civil rights legislation – Title VIII of the Civil Rights Act of 1968 – was adopted by the U.S. Congress; and;

**WHEREAS**, Title VIII prohibits a wide range of discriminatory housing practices; and

**WHEREAS**, the Fair Housing Amendments Act of 1988 strengthens the mandate to each community to affirmatively further fair housing; and

**WHEREAS**, communities receiving Community Development Block Grant funds are uniquely situated to positively impact housing opportunities; and

**WHEREAS**, in affirmatively further fair housing, CDBG communities are required to actively promote wider housing opportunities for all racial groups while maintaining a nondiscriminatory environment in all aspects of the public and private housing market within their jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED** that the town of South Coffeyville, Oklahoma, wholeheartedly proclaims April as Fair Housing Month, and proclaims that activities will be undertaken to alert citizens and private housing organizations to the Town's commitment toward affirmatively further fair housing such as design and distribution of brochures on Fair Housing Laws and distribution of letters to local realtors regarding the Fair Housing Act.

**DONE** on this 2 day of April, 2007

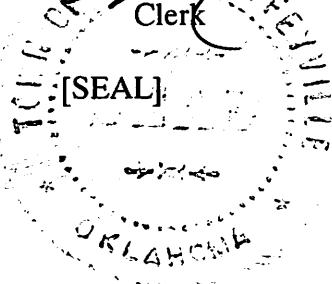
TOWN OF So. Coffeyville, OKLAHOMA  
A Municipal Corporation

By: Jim Wilhelms  
Mayor

ATTEST:

By: [Signature]  
Clerk

[SEAL]



RESOLUTION NO. 2008-01

A RESOLUTION RELATING TO THE INCURRING OF INDEBTEDNESS BY THE TRUSTEES OF THE TOWN OF SOUTH COFFEYVILLE PUBLIC WORKS AUTHORITY TO BE ACCOMPLISHED BY THE ISSUANCE OF UTILITY SYSTEM REFUNDING AND CAPITAL IMPROVEMENT REVENUE BONDS SERIES 2008 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$ 650,000.00 TO PROVIDE A PORTION OF THE FUNDS TO RETIRE CERTAIN OUTSTANDING INDEBTEDNESS OF THE AUTHORITY AND TO PROVIDE FUNDS FOR CAPITAL IMPROVEMENTS OF THE TOWN; AND DECLARING AN EMERGENCY

WHEREAS, the Town of South Coffeyville Public Works Authority, a public trust (the "Authority"), has been created for the use and benefit of the Town of South Coffeyville, Oklahoma (the "Town"), under authority of and pursuant to the provisions of Title 60, Oklahoma Statutes 2007 Supplement, Sections 176-180.3, inclusive, as amended and supplemented, the Oklahoma Trust Act and other applicable statutes of the State of Oklahoma; and

WHEREAS, the Trustees of the Authority have determined upon a financing plan consisting of providing a portion of the funds required to retire certain outstanding indebtedness of the Authority and to provide funds for capital improvements of the Town; and

WHEREAS, in order to effect the said financing, the Trustees of the Authority intend to incur indebtedness in the aggregate principal amount of not to exceed \$650,000.00, said indebtedness to be evidenced by the issuance of Utility System Refunding and Capital Improvement Revenue Bonds Series 2008 (the "Bonds") of the Authority, pursuant to the terms and conditions contained in a Revenue Bond Indenture securing the Bonds (the "Indenture");

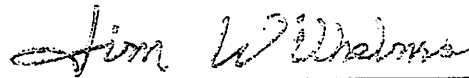
BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SOUTH COFFEYVILLE, OKLAHOMA:

SECTION 1. The financing plan, as submitted, will retire certain outstanding indebtedness of the Authority and will provide capital improvements of the Town. The aforesaid project will serve the public purposes of the Town and hereby is expressly determined to be in furtherance of the public purposes for which the Authority was created.

SECTION 2. The incurring of indebtedness by the Trustees of the Town of South Coffeyville Public Works Authority in the aggregate principal amount of not to exceed \$ 650,000.00, in order to provide a portion of the funds required to retire certain outstanding indebtedness of the Authority and to provide funds for capital improvements of the Town, is hereby consented to and approved by the Board of Trustees of the Town of South Coffeyville, Oklahoma, the governing body of said Town. The sale of the Bonds at a discount of not to exceed Three percent (3%) is hereby expressly approved and competitive bidding upon the Bonds evidencing said indebtedness hereby is expressly waived.

SECTION 3. By reason of the need to refund certain outstanding indebtedness of the Authority and to provide capital improvements of the Authority and the Town, and for the immediate preservation of the public peace, health and safety, an emergency hereby is declared to exist and this Resolution shall be effective immediately upon its adoption.

ADOPTED this 19th day of February, 2008.



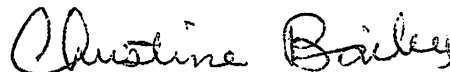
\_\_\_\_\_  
Mayor, Town of South Coffeyville,  
Oklahoma

ATTEST: (Seal)



\_\_\_\_\_  
Town Clerk, Town of South Coffeyville,  
Oklahoma

I, the undersigned Town Clerk of the Town of South Coffeyville, Oklahoma, hereby certify that the foregoing is a true, correct and complete copy of a Resolution adopted by the governing body of said Town at a meeting held on the date therein stated, as the same appears in the Minutes of said meeting on file in my office as a part of the official records thereof.



\_\_\_\_\_  
Town Clerk, Town of South Coffeyville,  
Oklahoma

(Seal)

**RESOLUTION NO. 2008-02**

A RESOLUTION RELATING TO THE INCURRING OF INDEBTEDNESS BY THE TRUSTEES OF THE TOWN OF SOUTH COFFEYVILLE PUBLIC WORKS AUTHORITY TO BE ACCOMPLISHED BY THE ISSUANCE OF UTILITY SYSTEM REFUNDING AND CAPITAL IMPROVEMENT REVENUE BONDS SERIES 2008 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$ 650,000.00 TO PROVIDE A PORTION OF THE FUNDS TO RETIRE CERTAIN OUTSTANDING INDEBTEDNESS OF THE AUTHORITY AND TO PROVIDE FUNDS FOR CAPITAL IMPROVEMENTS OF THE TOWN

WHEREAS, the Trustees of the Town of South Coffeyville Public Works Authority have determined to issue an aggregate principal amount of not to exceed \$650,000.00 Utility System Refunding and Capital Improvement Revenue Bonds Series 2008 of the Authority, to provide a portion of the funds to retire certain outstanding indebtedness of the Authority and to provide capital improvements of the Authority (the "Project"); and

WHEREAS, the Authority has offered to sell its Utility System Refunding and Capital Improvement Revenue Bonds evidencing the aforesaid indebtedness at a purchase price of not less than Three percentum (3%) of the principal amount thereof, plus accrued interest on said Bonds from the date thereof to the date of delivery thereof; and

WHEREAS, said Bonds to bear interest at the average annual rate of not to exceed Five and one-half percentum (5.50%); and

WHEREAS, it would be in the best interest of the Trust Estate of the Authority that the sale and issuance of said Bonds be contractually confirmed at this time;

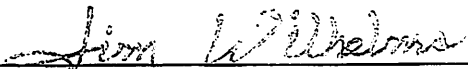
**BE IT RESOLVED BY THE TRUSTEES OF THE TOWN OF SOUTH COFFEYVILLE PUBLIC WORKS AUTHORITY:**

**SECTION 1.** The Chairman and Secretary of Trustees hereby are authorized and directed, for and on behalf of the Authority, to determine the form and substance of, and to execute, attest and deliver a Contract for the sale of said Bonds, all for and on behalf of the Authority. Competitive bidding upon the aforesaid Bonds hereby is expressly waived. The sale of said Bonds to Wells, Nelson & Associates, LLC at a discount of not more than Three percent (3%) hereby is expressly approved.

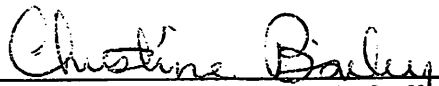
SECTION 2. The incurring of indebtedness by the Trustees of the Town of South Coffeyville Public Works Authority in the aggregate principal amount of not to exceed \$ 650,000.00, in order to provide a portion of the funds required to retire certain outstanding indebtedness of the Authority and to provide funds for capital improvements of the Town, is hereby consented to and approved by the Board of Trustees of the Town of South Coffeyville, Oklahoma, the governing body of said Town. The sale of the Bonds at a discount of not to exceed Three percent (3%) is hereby expressly approved and competitive bidding upon the Bonds evidencing said indebtedness hereby is expressly waived.

SECTION 3. By reason of the need to refund certain outstanding indebtedness of the Authority and to provide capital improvements of the Authority and the Town, and for the immediate preservation of the public peace, health and safety, an emergency hereby is declared to exist and this Resolution shall be effective immediately upon its adoption.

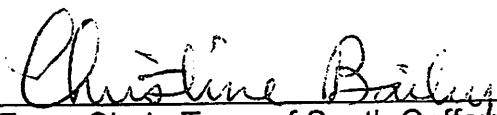
ADOPTED this 19th day of February, 2008.

  
\_\_\_\_\_  
Mayor, Town of South Coffeyville,  
Oklahoma

ATTEST: (Seal)

  
\_\_\_\_\_  
Town Clerk, Town of South Coffeyville,  
Oklahoma

I, the undersigned Town Clerk of the Town of South Coffeyville, Oklahoma, hereby certify that the foregoing is a true, correct and complete copy of a Resolution adopted by the governing body of said Town at a meeting held on the date therein stated, as the same appears in the Minutes of said meeting on file in my office as a part of the official records thereof.

  
\_\_\_\_\_  
Town Clerk, Town of South Coffeyville,  
Oklahoma

(Seal)

RESOLUTION NO. 2008-03

BE IT RESOLVED BY THE TRUSTEES OF THE TOWN OF SOUTH  
COFFEYVILLE PUBLIC WORKS AUTHORITY:

The Trustees hereby employ Johanning and Byrom, P.C., Attorneys at Law, Oklahoma City, Oklahoma, as Financial Legal Counsel to the Authority as provided in the proposed form of contract presented to, and approved by the Trustees at the time of the adoption of this Resolution; and the Chairman of Trustees hereby is authorized and directed, on behalf of the Authority and the Trustees thereof, to execute such contract in several multiple originals and to deposit an executed copy thereof in the permanent files of the Authority.

ADOPTED this \_\_\_\_\_ day of February, 2008.

*Jim Williams*  
Chairman of Trustees

ATTEST: (Seal)

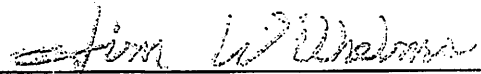
*Christine Bailey*  
Secretary of Trustees

RESOLUTION NO. 2008-03

BE IT RESOLVED BY THE TRUSTEES OF THE TOWN OF SOUTH  
COFFEYVILLE PUBLIC WORKS AUTHORITY:

The Trustees hereby employ Johanning and Byrom, P.C., Attorneys at Law, Oklahoma City, Oklahoma, as Financial Legal Counsel to the Authority as provided in the proposed form of contract presented to, and approved by the Trustees at the time of the adoption of this Resolution; and the Chairman of Trustees hereby is authorized and directed, on behalf of the Authority and the Trustees thereof, to execute such contract in several multiple originals and to deposit an executed copy thereof in the permanent files of the Authority.

ADOPTED this \_\_\_\_\_ day of February, 2008.



\_\_\_\_\_  
Chairman of Trustees

ATTEST: (Seal)

  
\_\_\_\_\_  
Secretary of Trustees

## LEGAL SERVICES AGREEMENT

THIS AGREEMENT, made this \_\_\_\_\_ day of February, 2008, between the Trustees of the Town of South Coffeyville Public Works Authority, a public trust, hereinafter called (Authority), and Johanning and Byrom, P.C., Attorneys at Law, Oklahoma City, Oklahoma, hereinafter called (Attorneys), WITNESSETH:

IT IS AGREED that the aforesaid Attorneys shall perform all the customary legal services necessary to the current refinancing and capital improvements project of the Authority, such services to include, but not to be restricted to the preparation of all legal documents, instruments and contracts requisite to the incurring and securing of indebtedness incurred by the Authority in said project, and to provide legal counsel to the Trustees of the Authority in all matters relating to the foregoing. The compensation of the Attorneys for all of the foregoing services hereby is fixed at an amount equal to two percentum (2%) of the principal amount of said indebtedness, and such compensation shall be paid out of the first money received from the sale of any of the evidences of such indebtedness and only out of the proceeds of such sale. The General Counsel of the Authority shall be paid an additional amount equal to one-half of the aforesaid compensation. The Attorneys shall be reimbursed in full for all expenses incurred by them in the performance of any of their duties hereinabove described.

TOWN OF SOUTH COFFEYVILLE  
PUBLIC WORKS AUTHORITY

By Jim Williams  
Chairman of Trustees

ATTEST: (Seal)

Christine Bailey  
Secretary of Trustees

JOHANNING AND BYROM, P.C.

By \_\_\_\_\_  
Chris Byrom

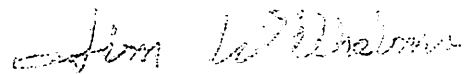


RESOLUTION NO. 2008-04

BE IT RESOLVED BY THE TRUSTEES OF THE TOWN OF SOUTH  
COFFEYVILLE PUBLIC WORKS AUTHORITY:

The Trustees hereby employ Rural Financial Consultants, LLC, Tulsa, Oklahoma, as Project Consultant to the Authority as provided in the proposed form of contract presented to, and approved by the Trustees at the time of the adoption of this Resolution; and the Chairman of Trustees hereby is authorized and directed, on behalf of the Authority and the Trustees thereof, to execute such contract in several multiple originals and to deposit an executed copy thereof in the permanent files of the Authority.

ADOPTED this \_\_\_\_\_ day of February, 2008.

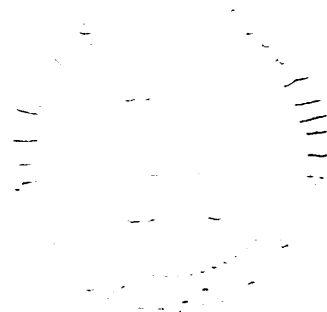


\_\_\_\_\_  
Chairman of Trustees

ATTEST: (Seal)



\_\_\_\_\_  
Secretary of Trustees



## PROJECT CONSULTANT AGREEMENT

THIS AGREEMENT, made this 19th day of February, 2008, between the Town of South Coffeyville Public Works Authority (the "Authority"), and Rural Financial Consultants, LLC (the "Project Consultant"),

### W I T N E S S E T H:

WHEREAS, the Authority has determined upon a capital improvements project as well as a refinancing project to be financed by indebtedness of the Authority; and

WHEREAS, it is necessary and in the best interest of the Authority that it be provided with expert project consultation in order to complete and accomplish the aforesaid projects on a basis most advantageous to the Authority;

IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The Project Consultant hereby is appointed and employed by the Authority for the purposes above set forth in connection with the aforesaid projects and financing thereof. The Project Consultant hereby accepts said appointment and employment and covenants to the Authority faithfully to perform its duties in relation thereto.
2. As full compensation for its services in connection with said indebtedness, Project Consultant shall be paid an amount equal to two percent (2%) of the principal amount of each issue of said indebtedness incurred by the Authority. Said compensation shall be paid in full out of the proceeds of the indebtedness issued by the Authority and only out of such proceeds. Said compensation shall be the only compensation payable to Project Consultant under this Agreement and Project

Consultant shall not be entitled to claim or receive any amount from the Authority for its duties hereunder, unless and until evidences of indebtedness of the Authority shall be authorized and issued.

3. The Project Consultant shall not be compensated on the basis of a share of capital gains upon or capital appreciation of any funds or any portion of any funds of the Authority or any grant funds received by the Authority.

4. No assignment of this Agreement may be made by Project Consultant without the consent of the Authority.

WITNESS THE PARTIES HERETO the date first above written.

TOWN OF SOUTH COFFEYVILLE  
PUBLIC WORKS AUTHORITY

By *Jim Williamson*  
Chairman of Trustees

RURAL FINANCIAL CONSULTANTS, LLC

By *Ken Allen*  
(Title) *Owner*

RESOLUTION NO. 2008-05

**A RESOLUTION OF THE CHAIRMAN AND BOARD OF TRUSTEES OF THE SOUTH  
COFFEYVILLE PUBLIC WORKS AUTHORITY ESTABLISHING AN INCREASE  
IN THE SEWER RATES**

**WHEREAS:** The South Coffeyville Public Works Authority, Nowata County, Oklahoma is in the process of obtaining a loan to repair/replace items at the South Coffeyville Wastewater Treatment Facility; refinance a Rural Development Loan; complete work on the sewer lagoons and other capital projects as approved by the Board;

**WHEREAS:** The South Coffeyville Public Works Authority, Nowata County, Oklahoma is anticipating the need for a rate increase to fund the above loan;

**WHEREAS:** The South Coffeyville Public Works Authority, Nowata County, Oklahoma has been advised by Wells Nelson & Associates, Investment Banker that a rate increase is necessary;

**BE IT RESOLVED BY THE BOARD OF DIRECTORS FOR THE SOUTH COFFEYVILLE  
PUBLIC WORKS AUTHORITY, NOWATA COUNTY, OKLAHOMA**

**THAT:** A need for a sewer rate increase exists:

**AND:** The only way to make the improvements is to obtain a loan which makes it necessary to implement a rate adjustment in the sewer rates.

**THEREFORE:** The following Sewer Rate Structure is approved.

The monthly Sewer Rate shall be as follows:

\$ 15.80 for the first 1,000 gallons (Base Rate)  
\$ 2.00 for 1,000 to 2,000 gallons  
\$ 2.10 for 2,001 to 3,000 gallons  
\$ 2.20 for 3,001 to 4,000 gallons  
\$ 2.30 for 4,001 to 5,000 gallons  
\$ 2.40 for 5,001 to 6,000 gallons  
\$ 2.50 for 6,001 to 7,000 gallons  
\$ 2.75 for all over 7,000 gallons

**FURTHERMORE:** The above rate structures will be in effect as of the first day of April, 2008. The customers will actually see the increase on their May 2008 utility bills.

**Approved:** This 19<sup>th</sup> day of February 2008.

*Jim Wilhelms*

Chairman

Witness:

*Christine Bailey*

City Clerk

(Seal)

RESOLUTION NO. 2008-06

**A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF {NAME}, OKLAHOMA, ESTABLISHING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE STANDARD FOR INCIDENT MANAGEMENT IN THE CITY OF {NAME}, OKLAHOMA.**

**WHEREAS**, The President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

**WHEREAS**, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

**WHEREAS**, it is necessary and desirable that all Federal, State, local, and tribal emergency agencies; and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the city's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the city, including current emergency management training programs; and

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; and

**WHEREAS**, a specific individual needs to be designated as Local Point of Contact (LPOC) to coordinate NIMS activities and to ensure compliance;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Commission of the City of *{NAME}*, Oklahoma, that the National Incident Management System (NIMS) is hereby established as the standard for incident management in the City of *{NAME}*, Oklahoma.

**BE IT FURTHER RESOLVED** that \_\_\_\_\_, is hereby designated as the Local Point of Contact (LPOC).

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2006, by the Mayor and Commission of the City of *{NAME}*, Oklahoma.

\_\_\_\_\_  
*{NAME}*  
Mayor

ATTEST:

\_\_\_\_\_  
*{NAME}*  
City Clerk

(Seal)

**Resolution #2008-08**

**AUTHORIZING APPLICATION FOR  
FINANCIAL ASSISTANCE FROM THE RURAL ECONOMIC ACTION PLAN FUND**

Whereas, the (Town of South Coffeyville, OK./Nowata County) desires to seek funding from the Rural Economic Action Plan Fund for (RURAL ECONOMIC ACTION PLAN FY-9) in said (Town of South Coffeyville): and

WHEREAS, it is in the best interest of the residents of (South Coffeyville) to expedite the preparation and submission of an application for financial assistance from the Rural Economic Action Plan Fund, in the form of a grant.

NOW, THEREFORE, BE IT RESOLVED that , the (Jim Wilhelms) of the (Town of South Coffeyville) is hereby authorized and directed to sign an application and related documents necessary to file and process a grant application through Grand Gateway FDA's Rural Economic Action Plan Fund on behalf of the (Town of South Coffeyville).

PASSED, AND APPROVE by the (Town of South Coffeyville Council) this 28 day of July, 2008.

By: Jim Wilhelms  
Chief Elected/Appointed Official

Subscribed and sworn to before me this 28 day of July, 2008.

ATTEST:  
Christine Bailey  
Clerk/Notary Public

My Commission Expires: 8/10/2011





**RESOLUTION APPOINTING THE  
CITY OR TOWN OF SOUTH COFFEYVILLE FLOODPLAIN  
ADMINISTRATOR**

**IN THE MATTER )  
Of DESIGNATING )  
THE FLOODPLAIN )  
ADMINISTRATOR )**

**RESOLUTION No. 2008-09  
DATE: 8/7/2008**

**FOR THE TOWN OR CITY OF SOUTH COFFEYVILLE)**

**RESOLUTION**

**THE CITY OR TOWN OF SOUTH COFFEYVILLE assures the Federal Insurance Administrator that they will enact and maintain in force rules for those areas identified as special flood hazard areas pursuant to 44 CFR Section 59 through 77, with effective enforcement provisions consistent with the criteria set forth in Section 60 of the National Flood Insurance Program Regulations; and**

**The Town or City of SOUTH COFFEYVILLE officials designate Jerome Gnatek as the Floodplain Administrator to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premiums within all areas having special flood hazards identified on the Town of South Coffeyville (community name) Flood Insurance Rate Map (FIRM), any Certificates of Elevation of floodproofing and information on the lowest floor elevation of all new or substantially improved structures, and include whether or not such structures contain a basement and if the structure has been floodproofed and that the Floodplain Administrator will generally do all such things as in his/her judgment that may be necessary, proper, or expedient in the accomplishment of his/her duties; AND**

**THE CITY OR TOWN OF SOUTH COFFEYVILLE FLOODPLAIN ADMINISTRATOR shall perform the duties & responsibilities delineated in the City or Town of SOUTH COFFEYVILLE Floodplain Management Regulations or Ordinance, as the case may be, as delineated in Article IV, Administration Section B.**

  
\_\_\_\_\_  
**Chairman, Floodplain Board or City/Town Council**

  
\_\_\_\_\_  
**Secretary, Floodplain Board or City/Town Council**


**Seal**


RESOLUTION 2008-10  
NOTICE OF ELECTION  
SOUTH COFFEYVILLE, OKLAHOMA

- I. BE IT RESOLVED by the governing body of the Town of South Coffeyville that for the purpose of electing officers of the said town that:
1. A nonpartisan general election, if needed, shall be held on Tuesday, April 7, 2009.
- II. BE IT FURTHER RESOLVED that the filing period of electing officers of said Town shall begin at 8:00 a.m. on Monday, February 2, 2009 and close at 5:00 p.m. on Wednesday, February 4, 2009.
- III. BE IT FURTHER RESOLVED that the officers of said Town to be elected are:
1. Nominated at large and elected at large. (An ordinance authorizing nomination of officers at large is on file with the county Election Board.)
- IV. BE IT FURTHER RESOLVED that the following officers be elected for a four-year term:
- Treasurer Expires 2013  
3 Trustee Positions Expires 2013
- V. BE IT FURTHER RESOLVED that the following officers will be elected to fill a two-year term and 2 unexpired terms:
- Clerk Expires 2011  
1 Trustee Position Expires 2011
- VI. BE IT FURTHER RESOLVED that each candidate must be a qualified elector by virtue of being a resident and registered voter within the municipality, or in the ward if an office is from a ward, for at least (6) months prior to filing a declaration of candidacy.
- VII. BE IT FURTHER RESOLVED that absentee ballots will be provided in accordance with State Law.

ADOPTED THIS 29<sup>th</sup> DAY OF December, 2008

ATTEST:

  
\_\_\_\_\_  
Jim Wilhelms, Mayor

  
\_\_\_\_\_  
Jim Wilson, Vice Mayor

RESOLUTION NO. 2008-11

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SOUTH COFFEYVILLE WHEREBY THE BOARD OF TRUSTEES RESOLVE TO SUBMIT TO A VOTE OF THE REGISTERED VOTERS OF THE TOWN THE QUESTION OF PROVIDING FOR APPOINTMENT BY THE BOARD OF TRUSTEES OF THE CLERK-TREASURER AND FURTHER PROVIDING THE FORM OF THE BALLOT TO BE UTILIZED AT EH ELECTION.

WHEREAS, the Board of Trustees of the Town of South Coffeyville, during a special meeting in South Coffeyville, by Ordinance provided for the submission to a vote of the registered voters of the Town the question of providing for the appointment by the Board of Trustees of the Clerk-Treasurer; and

WHEREAS, said Ordinance passed by majority vote of the Town Board of Trustees and said Trustees desired to set a date specific for an election to determine the desire of the registered voters of the Town of South Coffeyville, and

WHEREAS, 16 O.S. Section 16-207 requires that a ballot be submitted to the registered voters in the format suggested by state statute; and

WHEREAS, the ballot question providing for the appointment of the Clerk-Treasurer shall read substantially as follows:

**SHALL THE CLERK-TREASURER BE APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE BOARD OF TRUSTEES?**

YES

NO

NOW, THEREFORE, be it resolved that the Board of Trustees of the Town of South Coffeyville, agree to submit the question regarding the appointment of a Clerk-Treasurer to a vote of the registered voters with specific date of said election to be April 7<sup>th</sup>, 2009, and that the question shall be submitted to the voters in the font contained within the body of the Resolution.


PASSED AND APPROVED this 29<sup>th</sup> day of December, 2008.

(SEAL)

TOWN OF SOUTH COFFEYVILLE

By:  Mayor

ATTEST

  
Clerk

08-17  
**To the Commissioners of Nowata County,**

**Whereas**, Emergency Medical Service is a vital public service for our community;  
and

**Whereas**, the members of Emergency Medical Services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week;

**Whereas**, Nowata 10-33, has served the citizens in our community for more than 30 years, responding to calls for help for vehicle crashes, heart attacks, and other emergencies, providing excellent care and quick response: and

**Whereas**, Nowata County community benefits from a comprehensive 24/7, which includes Nowata EMS, with the primary focus on the health and safety of ALL Nowata County citizens.

**Whereas**, the 10-33 Emergency Team is no longer able to meet State mandates,

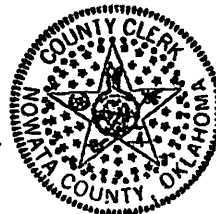
**Now Therefore** Be It Resolved, that We, the Board of Commission of Nowata County Commissioners, do hereby proclaim this the 3<sup>rd</sup> day of March, 2008, Nowata EMS is our ambulance service provider and encourage the community to recognize the excellent emergency medical care provided by Nowata EMS to All citizens of Nowata County.

*Leri Kilpatrick* 3-3-08  
Chairman of the Board

*Charles L. Park* 3-3-08  
Commissioner

*Bob Egan* 3-3-08  
Commissioner

ATTEST: *Kay Spurgeon, Deputy*  
TERESA JACKSON  
COUNTY CLERK



RESOLUTION NO. 2009-01

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SOUTH COFFEYVILLE WHEREBY THE BOARD OF TRUSTEES RESOLVE TO WITHDRAW RESOLUTION NO. 2008-11 THAT CALLS FOR A VOTE OF THE REGISTERED VOTERS OF THE TOWN THE QUESTION OF PROVIDING FOR APPOINTMENT BY THE BOARD OF TRUSTEES OF THE CLERK-TREASURER AND FURTHER PROVIDING THE FORM OF THE BALLOT TO BE UTILIZED AT THE ELECTION.

WHEREAS, the Board of Trustees of the Town of South Coffeyville, during a special meeting in South Coffeyville, by Ordinance provided for the withdraw of a vote of the registered voters of the Town the question of providing for the appointment by the Board of Trustees of the Clerk-Treasurer.

**SHALL THE CLERK-TREASURER BE APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE BOARD OF TRUSTEES?**

YES

NO

NOW, THEREFORE, be it resolved that the Board of Trustees of the Town of South Coffeyville, agree to withdraw the question regarding the appointment of a Clerk-Treasurer to a vote of the registered voters with specific date of said election to be April 7<sup>th</sup>, 2009, and that the question shall not be submitted to the voters in the font contained within the body of the Resolution.

PASSED AND APPROVED this 9 day of February, 2009.

(SEAL)

TOWN OF SOUTH COFFEYVILLE

By: 

Mayor

ATTEST



Vice Mayor

**RESOLUTION 2009-03**

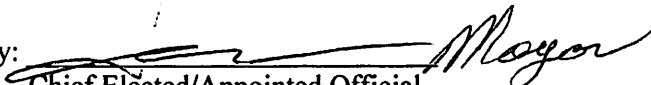
**AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE  
RURAL ECONOMIC ACTION PLAN FUND**

**WHEREAS**, the Town of South Coffeyville desires to seek funding from the Rural Economic Action Plan Fund for installation of new 8 inch water line from the city of Coffeyville, Ks. to South Coffeyville, Ok. in said Town of South Coffeyville; and

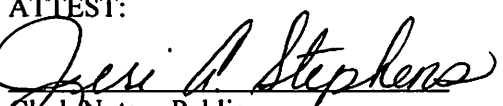
**WHEREAS**, it is in the best interest of the residence of the Town of South Coffeyville to expedite the preparation and submission of an application for financial assistance from the Rural Economic Action Plan Fund, in the form of a grant.

**NOW, THEREFORE, BE IT RESOLVED** that, the Mayor, Jim Wilhelms of the Town of South Coffeyville is hereby authorized and directed to sign an application and related documents necessary to file and process a grant application through Grand Gateway EDA's Rural Economic Action Plan Fund on the behalf of the Town of South Coffeyville.

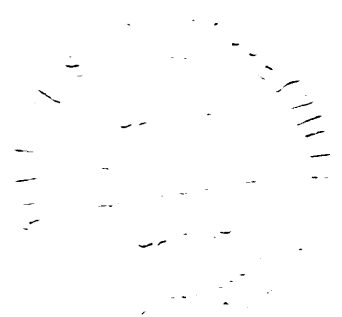
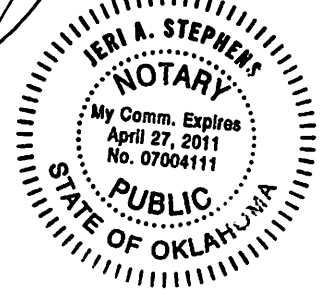
PASSED AND APPROVED by the Town of South Coffeyville City Council this  
11 day of August, 2009.

By:   
Chief Elected/Appointed Official

Subscribed and sworn to before me this 11 day of Aug, 2009.

ATTEST:  
  
Clerk/Notary Public

My Commission Expires: 4-27-11



RESOLUTION 2009-05

AUTHORIZING APPLICATION FOR RURAL ECONOMIC ACTION PLAN GRANT FROM  
THE OKLAHOMA WATER RESOURCES BOARD

WHEREAS, The South Coffeyville PWA has the need to work on their main plant lift station; and

WHEREAS, South Coffeyville PWA is financially incapable of remedying the situation which threatens the public health and welfare of the people of South Coffeyville, Oklahoma; and

WHEREAS, it is in the best interest of the citizens of South Coffeyville, Oklahoma to expedite the preparation and submission of an application for financial assistance from the Oklahoma Water Resources Board, in the form of a grant.

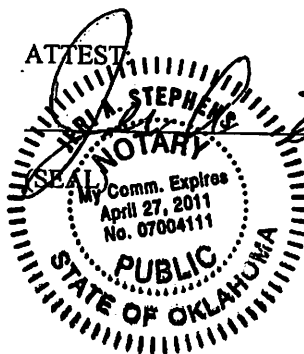
NOW THEREFORE, BE IT RESOLVED that a situation is hereby recognized and declared to exist in the South Coffeyville PWA, and by reason thereof, Jim Wilhelms, is hereby authorized and directed to sign an application and related documents necessary to file and process a grant application with the Oklahoma Water Resources Board on behalf of the South Coffeyville PWA.

PASSED AND APPROVED by the South Coffeyville PWA of South Coffeyville, Oklahoma this 17<sup>th</sup> day of August, 2009.

By \_\_\_\_\_

Jim Wilhelms

Title Chairman \_\_\_\_\_



RESOLUTION 2009-07

WHEREAS, Nowata County with assistance from Grand Gateway EDA, has gathered information and prepared a Nowata County Hazard Mitigation Plan; and

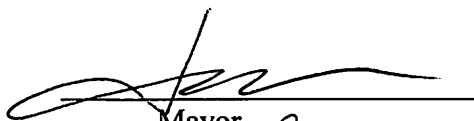
WHEREAS, the Nowata County Hazard Mitigation Plan has been prepared in accordance With the Federal Register, and

WHEREAS, Nowata County is a local unit of government that will provide opportunity for input by county-wide residents in determining and prioritizing community development needs through the written Hazard Mitigation Plan: and

Whereas: Nowata County Commissioners have affirmed that this Plan shall be reviewed and revised every five years.

NOW THEREFORE, BE IT RESOLVED by the Town of South Coffeyville Board of Trustees that the Town of South Coffeyville affirms its commitment to the Nowata County Hazard Mitigation Plan as appropriated for the citizens of the Town of South Coffeyville and the Town of South Coffeyville reaffirms by adoption of the rules and regulation established by the United States of America, the State of Oklahoma, and all empowered agencies thereof.

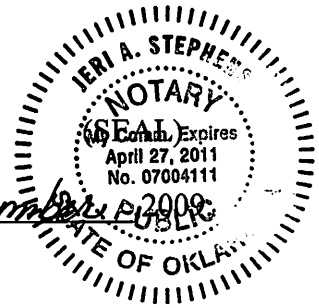
ADOPTED this 22 day of December, 2009 at the regularly scheduled meeting of the South Coffeyville Board of Trustees, in compliance with the Open Meeting Act, 25 O.S. et.seq.

  
\_\_\_\_\_  
Mayor  
City Town of South Coffeyville

12/22/09  
\_\_\_\_\_  
Date

ATTEST Subscribed and sworn to before me 22nd of December 2009  
My commission expires on 4-27-11

Notary/City Clerk





RESOLUTION 2009-07

WHEREAS, Nowata County with assistance from Grand Gateway EDA, has gathered information and prepared a Nowata County Hazard Mitigation Plan; and

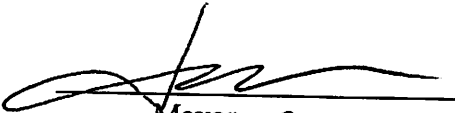
WHEREAS, the Nowata County Hazard Mitigation Plan has been prepared in accordance With the Federal Register, and

WHEREAS, Nowata County is a local unit of government that will provide opportunity for input by county-wide residents in determining and prioritizing community development needs through the written Hazard Mitigation Plan: and

Whereas: Nowata County Commissioners have affirmed that this Plan shall be reviewed and revised every five years.

NOW THEREFORE, BE IT RESOLVED by the Town of South Coffeyville Board of Trustees that the Town of South Coffeyville affirms its commitment to the Nowata County Hazard Mitigation Plan as appropriated for the citizens of the Town of South Coffeyville and the Town of South Coffeyville reaffirms by adoption of the rules and regulation established by the United States of America, the State of Oklahoma, and all empowered agencies thereof.

ADOPTED this 22 day of December, 2009 at the regularly scheduled meeting of the South Coffeyville Board of Trustees, in compliance with the Open Meeting Act, 25 O.S. et.seq.

  
\_\_\_\_\_  
Mayor  
City Town of South Coffeyville

12/22/09  
\_\_\_\_\_  
Date

ATTEST Subscribed and sworn to before me 22nd of December 2009  
My commission expires on 4-27-11

Notary/City Clerk



ACTION: 1/2/2010

U.S. Department of Homeland Security  
FEMA Region 6  
800 North loop 288  
Denton, TX 76209-3698



FEMA

October 15, 2009

Mr. Bill Penka  
Oklahoma Department of Emergency Management  
P.O. Box 53365  
Oklahoma City, OK 73152-3365

Re: Satisfactory Review of the Nowata County, Oklahoma Multi-Jurisdictional Hazard Mitigation Plan  
HMGP:FEMA-1355-DR-OK; #58

Dear Mr. Penka:

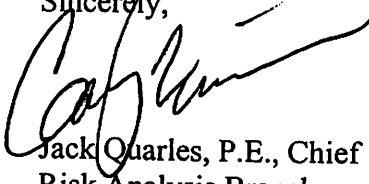
This office has concluded its review of the referenced plan, in conformance with Interim Final Rule on Mitigation Planning (44 CFR Part 201.6). This plan identifies the following participants in Enclosure A as being included within this plan.

Upon reviewing this plan using the guidance, "Multi-Hazard Mitigation Planning Guidance under the Disaster Mitigation Act of 2000", the enclosed review indicates that this plan cannot be approved as submitted. Formal approval of this plan is contingent upon the adoption by resolution of this plan by the participants as well as the receipt of all components of this plan in an electronic form (CD). **Adopting resolutions must be submitted to this agency for review and approval no later than 90 days from the date of this letter. Failure to submit these resolutions in a timely manner could lead to a required update of the plan prior to FEMA approval.** Once these requirements have been met, a letter of official approval will be generated from this office. Please advise the referenced participants of these requirements.

This office has provided the enclosed Local Hazard Mitigation Plan Crosswalk, with Reviewer's Comments, to further assist the plan's participants in complying with the planning requirements.

If you have any questions, please contact Patricia Schaffer, Community Planner at (940) 898-5136.

Sincerely,

*for*   
Jack Quarles, P.E., Chief  
Risk Analysis Branch

Dir	<u>  e  </u>
Deputy	<u>  c  </u>
Admin	<u>  c  </u>
Finance	_____
Purchasing	_____
PIO	_____
Response	_____
EM Coord	_____
Recovery	<u>  Penka  </u>
OPS Supp	_____
Training	_____
Haz/Mat	_____
Vol	_____

Enclosures

cc: Danielle Brown, R6-MT-HM

RECEIVED

OCT 21 2009

OKLAHOMA  
EMERG. MGMT.

www.fema.gov

**Enclosure A**

**Nowata County, Oklahoma  
Multi-Jurisdictional  
Hazard Mitigation Plan Participants**

Attached is the list of participating governments included in the October 14, 2009 review of the referenced Hazard Mitigation plan.

1. Nowata County
2. Delaware
3. Lenapah
4. New Alluwe
5. Nowata
6. South Coffeyville
7. Wann

FEMA Region 6 requests that states follow the procedures for **Adoption Submittals** to the Regional office as referenced in the State Submittal Procedures for Local Hazard Mitigation Plans – March 5, 2007. As a reminder, all plans must be submitted through the state. Any plan bypassing the state review process will be returned.

**Adoption Submittal (Final)**

Region VI recommends that all jurisdictions refrain from adopting a plan until it has received a satisfactory evaluation from FEMA. Following the issuance of a Satisfactory Review (Approvable Pending Adoption) letter, all participants are provided 90 days to adopt the plan and submit it through the state to FEMA. For multi-jurisdictional plans, multiple adoptions should be submitted as a complete package as outlined below.

- ✓ Include a state transmittal letter containing:
  - Plan name, sub-grantee, FEMA funding source, grant or disaster number, and project number, as applicable.
  - Information on enclosed adoptions.
- ✓ Include an electronic (CD) version containing the final plan formatted as a single document, and all signed resolutions as an additional single document on the disk.
  - Track changes, strikethroughs, highlights must be removed from the final plan.
  - Three-ring binder of full plan is not required for this submittal.
  - Plan must be dated to final adoption month and year.
- ✓ E-mail submittals will not be accepted.
- ✓ Submittals which do not conform to the above requirements will be returned to the State for resubmission.

**LOCAL HAZARD MITIGATION PLAN REVIEW CROSSWALK**  
 Jurisdiction: Nowata County Oklahoma

FEMA REGION VI

**Local Mitigation Plan Review and Approval Status**

<b>Jurisdiction:</b> Nowata County Oklahoma		<b>Title of Plan:</b> Nowata County Hazard Mitigation Plan		<b>Date of Plan:</b> July 14, 2008			
<b>Local Point of Contact:</b> Charles Parker, Jo Montana, Gus Altebaumer			<b>Address:</b> PO Drawer B Big Cabin, OK 74332-0502				
<b>Title:</b> Chairman Nowata County Commission, Deputy Director, Consultant			<b>E-Mail:</b> deputydir@grandgateway.org				
<b>Agency:</b> NCC and GGEDA							
<b>Phone Number:</b> 800-482-4592							
<b>State Reviewer:</b> Charlie Balthrop	<b>Title:</b> Hazard Mitigation Plan Reviewer			<b>Date:</b> July 22, 2009			
<b>FEMA Reviewer:</b> Taran Roddy	<b>Title:</b> Mitigation Planner			<b>Date:</b> September 16, 2009			
<b>FEMA Reviewer:</b> Lois Jenkins	<b>Title:</b> Hazard Mitigation Planner			<b>Date:</b> September 30, 2009			
<b>Date Received in FEMA Region VI</b>		<b>July 31, 2009</b>					
<b>Plan Not Approved</b>		<b>October 14, 2009 (Approvable Pending Adoption)</b>					
<b>Plan Approved</b>							
<b>Jurisdiction:</b>		<b>DFIRM</b>		<b>NFIP Status*</b>			
		<b>In Plan</b>	<b>NOT in Plan</b>	<b>Y</b>	<b>N</b>	<b>N/A</b>	<b>CRS Class</b>
1. Nowata County				X			
2. Delaware				X			
3. Lenapah					X		
4. New Alluwe					X		
5. Nowata				X			
6. South Coffeyville				X			
7. Wann					X		

\* Notes: Y = Participating N = Not Participating N/A = Not Mapped

**LOCAL MITIGATION PLAN REVIEW SUMMARY**

The plan cannot be approved if the plan has not been formally adopted. Each requirement includes separate elements. All elements of the requirement must be rated "Satisfactory" in order for the requirement to be fulfilled and receive a score of "Satisfactory." Elements of each requirement are listed on the following pages of the Plan Review Crosswalk. A "Needs Improvement" score on elements shaded in gray (recommended but not required) will not preclude the plan from passing. Reviewer's comments must be provided for requirements receiving a "Needs Improvement" score.

Prerequisite(s) (Check Applicable Box)

1. Adoption by the Local Governing Body: §201.6(c)(5) OR

NOT MET	MET
	N/A

2. Multi-Jurisdictional Plan Adoption: §201.6(c)(5) AND

X	
	X

3. Multi-Jurisdictional Planning Participation: §201.6(a)(3)

N	S
	X

4. Documentation of the Planning Process: §201.6(b) and §201.6(c)(1)

Risk Assessment

5. Identifying Hazards: §201.6(c)(2)(i)

6. Profiling Hazards: §201.6(c)(2)(i)

7. Assessing Vulnerability: Overview: §201.6(c)(2)(ii)

8. Assessing Vulnerability: Addressing Repetitive Loss Properties: §201.6(c)(2)(iii)

9. Assessing Vulnerability: Identifying Structures, Infrastructure, and Critical Facilities: §201.6(c)(2)(iv)(B)

10. Assessing Vulnerability: Estimating Potential Losses: §201.6(c)(2)(iv)(B)

11. Assessing Vulnerability: Analyzing Development Trends: §201.6(c)(2)(iv)(C)

12. Multi-Jurisdictional Risk Assessment: §201.6(c)(2)(iii)

N	S
	X
	X
	X
	X
	X
	X
	X
	X
	X
	X

\*States that have additional requirements can add them in the appropriate sections of the Local Multi-Hazard Mitigation Planning Guidance or create a new section and modify this Plan Review Crosswalk to record the score for those requirements.

JULY 1, 2008 (W / D F I R M)

**SCORING SYSTEM**

Please check one of the following for each requirement.

N – Needs Improvement: The plan does not meet the minimum for the requirement. Reviewer's comments must be provided.

S – Satisfactory: The plan meets the minimum for the requirement. Reviewer's comments are encouraged, but not required.

**Mitigation Strategy**

13. Local Hazard Mitigation Goals: §201.6(c)(3)(i)

14. Identification and Analysis of Mitigation Actions: §201.6(c)(3)(ii)

15. Identification and Analysis of Mitigation Actions: NFIP Compliance. §201.6(c)(3)(ii)

16. Implementation of Mitigation Actions: §201.6(c)(3)(iii)

17. Multi-Jurisdictional Mitigation Actions: §201.6(c)(3)(iv)

N	S
	X
	X
	X
	X
	X

**Plan Maintenance Process**

18. Monitoring, Evaluating, and Updating the Plan: §201.6(c)(4)(i)

19. Incorporation into Existing Planning Mechanisms: §201.6(c)(4)(ii)

20. Continued Public Involvement: §201.6(c)(4)(iii)

N	S
	X
	X
	X

**Additional State Requirements\***

Insert State Requirement

Insert State Requirement

Insert State Requirement

N	S

**LOCAL MITIGATION PLAN APPROVAL STATUS**

PLAN NOT APPROVED

XX

See Reviewer's Comments

PLAN APPROVED

**PREREQUISITE(S)**

**1. Adoption by the Local Governing Body**

*Requirement §201.6(c)(5): [The local hazard mitigation plan shall include] documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council).*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			NOT MET	MET
A. Has the local governing body adopted new or updated plan?				
B. Is supporting documentation, such as a resolution, included?				
<b>SUMMARY SCORE</b>				N/A

**2. Multi-Jurisdictional Plan Adoption**

*Requirement §201.6(c)(5): For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			NOT MET	MET
A. Does the new or updated plan indicate the specific jurisdictions represented in the plan?	6			X
B. For each jurisdiction, has the local governing body adopted the new or updated plan?		<b>Required Revisions:</b> When the formal plan review is completed by FEMA and the plan meets the requirements for a satisfactory score, all participating jurisdictions must formally adopt the plan before it is officially approved by FEMA.  Resolutions are attached for each participating jurisdiction. Those jurisdictions must re-adopt once FEMA officially approves the plan.  <b>Required Revisions:</b> The Plan must include a signed adoption resolution for each participating jurisdiction requesting approval of the plan before FEMA officially approves the plan. The plan must be formally adopted by each jurisdiction's governing body. Include a signed plan adoption resolution copy for all participating jurisdictions requesting approval.	X	
C. Is supporting documentation, such as a resolution, included for each participating jurisdiction?			X	
<b>SUMMARY SCORE</b>			X	

3. Multi-Jurisdictional Planning Participation

**Requirement §201.6(a)(3):** Multi-jurisdictional plans (e.g., watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process ... Statewide plans will not be accepted as multi-jurisdictional plans.

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			NOT MET	MET
A. Does the new or updated plan describe how each jurisdiction participated in the plan's development?	10, 11			X
B. Does the updated plan identify all participating jurisdictions, including new, continuing, and the jurisdictions that no longer participate in the plan?				n/a
<b>SUMMARY SCORE</b>				X

**PLANNING PROCESS: §201.6(b):** An open public involvement process is essential to the development of an effective plan.

4. Documentation of the Planning Process

- Requirement §201.6(b):** In order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process shall include:
- (1) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval;
  - (2) An opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia and other private and non-profit interests to be involved in the planning process; and
  - (3) Review and incorporation, if appropriate, of existing plans, studies, reports, and technical information.

**Requirement §201.6(c)(1):** The plan shall document the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved.

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the plan provide a narrative description of the process followed to prepare the new or updated plan?	11, 12	Five step process provided.		X
B. Does the new or updated plan indicate who was involved in the current planning process? (For example, who led the development at the staff level and were there any external contributors such as contractors? Who participated on the plan committee, provided information, reviewed drafts, etc.?)	11	The plan identifies those involved on the planning committee. However, it does not identify who was the responsible party. <b>Recommended Revision:</b> Identify who led the planning process, as well as what each member of the planning committee was responsible for.		X
C. Does the new or updated plan indicate how the public was involved? (Was the public provided an opportunity to comment on the plan during the drafting stage and prior to the plan approval?)	10			X



D. Does the new or updated plan discuss the opportunity for neighboring communities, agencies, businesses, academia, nonprofits, and other interested parties to be involved in the planning process?	12, 13		X
E. Does the planning process describe the review and incorporation, if appropriate, of existing plans, studies, reports, and technical information?	9	Recommended Revisions: Provide information discussing what (if any) information was used in the mitigation plan from the plans referenced.	X
F. Does the updated plan document how the planning team reviewed and analyzed each section of the plan and whether each section was revised as part of the update process?			n/a
<b>SUMMARY SCORE</b>			<b>X</b>

**RISK ASSESSMENT: §201.6(c)(2):** *The plan shall include a risk assessment that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Local risk assessments must provide sufficient information to enable the jurisdiction to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards.*

**5. Identifying Hazards**

**Requirement §201.6(c)(2)(i):** *[The risk assessment shall include a] description of the type ... of all natural hazards that can affect the jurisdiction.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan include a description of the types of all natural hazards that affect the jurisdiction?	16 - 62			X
<b>SUMMARY SCORE</b>				X

**6. Profiling Hazards**

*Requirement \$201.6(c)(2)(i): [The risk assessment shall include a] description of the ... location and extent of all natural hazards that can affect the jurisdiction. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the risk assessment identify the location (i.e., geographic area affected) of each natural hazard addressed in the new or updated plan?	16 - 62	There is a mention of "numerous dams" in Nowata County, but there is no information on the locations or maps that shows the locations of these dams. Provide a legible maps indicating geographic areas potentially affected by dam failure. <b>Recommended Revision:</b> Provide locations of dams located in Nowata County.		X
B. Does the risk assessment identify the extent (i.e., magnitude or severity) of each hazard addressed in the new or updated plan?	16 - 63			X
C. Does the plan provide information on previous occurrences of each hazard addressed in the new or updated plan?	16 - 64			X
D. Does the plan include the probability of future events (i.e., chance of occurrence) for each hazard addressed in the new or updated plan?	17 - 67	Drought indicates on p 57 and 76 the probability is very low and the matrix on 78 states its low. <b>Recommended Revision:</b> Ensure same terms are used throughout the plan.		X
<b>SUMMARY SCORE</b>				X

**7. Assessing Vulnerability: Overview**

**Requirement §201.6(c)(2)(ii):** *The risk assessment shall include a) description of the jurisdiction's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the community.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan include an overall summary description of the jurisdiction's vulnerability to each hazard?	17 - 67			X
B. Does the new or updated plan address the impact of each hazard on the jurisdiction?	17 - 67			X
<b>SUMMARY SCORE</b>				X

**8. Assessing Vulnerability: Addressing Repetitive Loss Properties**

**Requirement §201.6(c)(2)(ii):** *The risk assessment must also address National Flood Insurance Program (NFIP) insured structures that have been repetitively damaged floods.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe vulnerability in terms of the types and numbers of repetitive loss properties located in the identified hazard areas?	42, 81	No repetitive loss structures in Nowata County		X
<b>SUMMARY SCORE</b>				X

**9. Assessing Vulnerability: Identifying Structures**

**Requirement §201.6(c)(2)(ii)(A):** *The plan should describe vulnerability in terms of the types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard area ....*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe vulnerability in terms of the types and numbers of existing buildings, infrastructure, and critical facilities located in the identified hazard areas?	68 - 70	Information was not provided for all hazards addressed in the risk assessment. Plan refers to table 3.13 on p 65 but no such table was found. <b>Recommended Revisions:</b> Describe vulnerability in types and numbers for all hazards affecting existing buildings, infrastructure, and critical facilities.		X
B. Does the new or updated plan describe vulnerability in	71	Not addressed due to lack of information. <b>Recommended Revisions:</b>		X

terms of the types and numbers of future buildings, infrastructure, and critical facilities located in the identified hazard areas?

Develop a method to track future developments.

SUMMARY SCORE

	X

10. Assessing Vulnerability: Estimating Potential Losses

Requirement \$201.6(c)(2)(ii)(B): [The plan should describe vulnerability in terms of an] estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(ii)(A) of this section and a description of the methodology used to prepare the estimate ....

Element

Location in the Plan (section or annex and page #)

Reviewer's Comments

SCORE

N S

A. Does the new or updated plan estimate potential dollar losses to vulnerable structures?

68 - 70

Information was not provided for all hazards addressed in the risk assessment. Plan refers to table 3.13 on p 65 but no such table was found.  
**Recommended Revisions:**  
 Provide potential dollar losses for each hazard affecting vulnerable structures.

X

B. Does the new or updated plan describe the methodology used to prepare the estimate?

68

X

SUMMARY SCORE

X	X

11. Assessing Vulnerability: Analyzing Development Trends

Requirement \$201.6(c)(2)(ii)(C): [The plan should describe vulnerability in terms of] providing a general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions.

Element

Location in the Plan (section or annex and page #)

Reviewer's Comments

SCORE

N S

A. Does the new or updated plan describe land uses and development trends?

70

The plan briefly discusses development in the southern rural area of the county, but does not discuss what kind of development will be occurring, apart from the lake area, the committee does not anticipate any major changes in land use.  
**Recommended Revision:**  
 Describe land uses and development in terms of how it relates to vulnerability to the identified hazards.

X

SUMMARY SCORE

X	X

12. Multi-Jurisdictional Risk Assessment

**Requirement §201.6(c)(2)(iii):** For multi-jurisdictional plans, the risk assessment must assess each jurisdiction's risks where they vary from the risks facing the entire planning area.

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan include a risk assessment for each participating jurisdiction as needed to reflect unique or varied risks?	Ch 3	The plan describes different risk and hazard locations throughout the risk assessment.		X
<b>SUMMARY SCORE</b>				X

**MITIGATION STRATEGY:** §201.6(c)(3): The plan shall include a mitigation strategy that provides the jurisdiction's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools.

13. Local Hazard Mitigation Goals

**Requirement §201.6(c)(3)(i):** The hazard mitigation strategy shall include a description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan include a description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards?	6 & 81			X
<b>SUMMARY SCORE</b>				X

14. Identification and Analysis of Mitigation Actions

**Requirement §201.6(c)(3)(ii):** The mitigation strategy shall include a section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan identify and analyze a comprehensive range of specific mitigation actions and projects for each hazard?	88 - 100			X
B. Do the identified actions and projects address reducing the effects of hazards on new buildings and infrastructure?	91, 95			X

**LOCAL HAZARD MITIGATION PLAN REVIEW CROSSWALK**

**FEMA REGION VI**

Jurisdiction: Nowata County Oklahoma

C. Do the identified actions and projects address reducing the effects of hazards on existing buildings and infrastructure?	91		X
<b>SUMMARY SCORE</b>			<b>X</b>

**15. Identification and Analysis of Mitigation Actions: National Flood Insurance Program (NFIP) Compliance**

*Requirement: §201.6(c)(3)(ii): [The mitigation strategy] must also address the jurisdiction's participation in the National Flood Insurance Program (NFIP), and continued compliance with NFIP requirements, as appropriate.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe the jurisdiction (s) participation in the NFIP?	82			X
B. Does the mitigation strategy identify, analyze and prioritize actions related to continued compliance with the NFIP?	92, 99, 100	The plan contains at least two actions for continued compliance.		X
<b>SUMMARY SCORE</b>				<b>X</b>

**16. Implementation of Mitigation Actions**

*Requirement: §201.6(c)(3)(iii): [The mitigation strategy section shall include] an action plan describing how the actions identified in section (c)(3)(ii) will be prioritized, implemented, and administered by the local jurisdiction. Prioritization shall include a special emphasis on the extent to which benefits are maximized according to a cost-benefit review of the proposed projects and their associated costs.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated mitigation strategy include how the actions are prioritized? (For example, is there a discussion of the process and criteria used?)	80, 102	STAPLEE		X
B. Does the new or updated mitigation strategy address how the actions will be implemented and administered, including the responsible department, existing and potential resources and the timeframe to complete each action?	88 - 100			X
C. Does the new or updated prioritization process include an emphasis on the use of a cost-benefit review to maximize benefits?	80			X

D. Does the updated plan identify the completed, deleted or deferred mitigation actions as a benchmark for progress, and if activities are unchanged (i.e., deferred), does the updated plan describe why no changes occurred?			n/a
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**SUMMARY SCORE**

X
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**17. Multi-Jurisdictional Mitigation Actions**  
*Requirement §201.6(c)(3)(iv): For multi-jurisdictional plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.*

Element	Location in the Plan (section or annex and page#)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan include identifiable action items for each jurisdiction requesting FEMA approval of the plan?	88 - 100	Each participant has at least two action items.		X
B. Does the updated plan identify the completed, deleted or deferred mitigation actions as a benchmark for progress, and if activities are unchanged (i.e., deferred), does the updated plan describe why no changes occurred?				n/a

**SUMMARY SCORE**

X
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**PLAN MAINTENANCE PROCESS**

**18. Monitoring, Evaluating, and Updating the Plan**  
*Requirement §201.6(c)(4)(i): The plan maintenance process shall include a) section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan within a five-year cycle.*

Element	Location in the Plan (section or annex and page#)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe the method and schedule for monitoring the plan, including the responsible department?	103 - 104			X
B. Does the new or updated plan describe the method and schedule for evaluating the plan, including how, when and by whom (i.e. the responsible department)?	103 - 104			X

**LOCAL HAZARD MITIGATION PLAN REVIEW CROSSWALK**  
 Jurisdiction: Nowata County Oklahoma

FEMA REGION VI

C. Does the new or updated plan describe the method and schedule for updating the plan within the five-year cycle?	104 - 105		X

**SUMMARY SCORE**

	X
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**19. Incorporation into Existing Planning Mechanisms**

*Requirement §201.6(c)(4)(iii): [The plan shall include a] process by which local governments incorporate the requirements of the mitigation plan into other planning mechanisms such as comprehensive or capital improvement plans, when appropriate.*

Element	Location in the Plan (section or annex and page#)	Reviewer's Comments	SCORE		
			N	S	
A. Does the new or updated plan identify other local planning mechanisms available for incorporating the mitigation requirements of the mitigation plan?	102, 103			X	
B. Does the new or updated plan include a process by which the local government will incorporate the mitigation strategy and other information contained in the plan (e.g., risk assessment) into other planning mechanisms, when appropriate?	102, 103			X	
C. Does the updated plan explain how the local government incorporated the mitigation strategy and other information contained in the plan (e.g., risk assessment) into other planning mechanisms, when appropriate?				n/a	
<b>SUMMARY SCORE</b>					X

**20. Continued Public Involvement**

*Requirement §201.6(c)(4)(iii): [The plan maintenance process shall include a] discussion on how the community will continue public participation in the plan maintenance process.*

Element	Location in the Plan (section or annex and page#)	Reviewer's Comments	SCORE		
			N	S	
A. Does the new or updated plan explain how continued public participation will be obtained? (For example, will there be public notices, an on-going mitigation plan committee, or annual review meetings with stakeholders?)	105			X	
<b>SUMMARY SCORE</b>					X



**MATRIX A: PROFILING HAZARDS**

This matrix can assist FEMA and the State in scoring each hazard. Local jurisdictions may find the matrix useful to ensure that their plan addresses each natural hazard that can affect the jurisdiction. Completing the matrix is not required.

*Note: First, check which hazards are identified in requirement §201.6(c)(2)(i). Then, place a checkmark in either the N or S box for each applicable hazard. An "N" for any element of any identified hazard will result in a "Needs Improvement" score for this requirement. List the hazard and its related shortcoming in the comments section of the Plan Review Crosswalk.*

Hazard Type	Hazards Identified Per Requirement §201.6(c)(2)(i)		A. Location		B. Extent		C. Previous Occurrences		D. Probability of Future Events	
	Yes	No	N	S	N	S	N	S	N	S
Thunderstorm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lightning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tomado	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
High Winds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Severe Winter Storm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Extreme Heat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wildfire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drought	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dam Failure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Earthquake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Legend:

- A. Does the risk assessment identify the location (i.e., geographic area affected) of each hazard addressed in the new or updated plan?
- B. Does the risk assessment identify the extent (i.e., magnitude or severity) of each hazard addressed in the new or updated plan?
- C. Does the plan provide information on previous occurrences of each natural hazard addressed in the new or updated plan?
- D. Does the plan include the probability of future events (i.e., chance of occurrence) for each hazard addressed in the plan?

**MATRIX B: ASSESSING VULNERABILITY**

This matrix can assist FEMA and the State in scoring each hazard. Local jurisdictions may find the matrix useful to ensure that the new or updated plan addresses each requirement. **Completing the matrix is not required.**

*Note: First, check which hazards are identified in requirement §201.6(c)(2)(i). Then, place a checkmark in either the N or S box for each applicable hazard. An "N" for any element of any identified hazard will result in a "Needs Improvement" score for this requirement. List the hazard and its related shortcoming in the comments section of the Plan Review Crosswalk. Note: Receiving an N in the shaded columns will not preclude the plan from passing.*

Hazard Type	Hazards Identified Per Requirement §201.6(c)(2)(i) Yes	§201.6(c)(2)(ii) Assessing Vulnerability: Overview		§201.6(c)(2)(ii) Assessing Vulnerability: Identifying Structures		§201.6(c)(2)(ii) Assessing Vulnerability: Estimating Potential Losses	
		A. Overall Summary Description of Vulnerability	B. Hazard Impact	A. Types and Number of Existing Structures in Hazard Areas (Estimate)	B. Types and Number of Future Structures in Hazard Areas (Estimate)	A. Loss Estimate	B. Methodology
Thunderstorm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lightning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Tornado	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
High Winds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Severe Winter Storm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Flood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Extreme Heat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Wildfire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Drought	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Dam Failure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Earthquake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**Legend:**

**§201.6(c)(2)(ii) Assessing Vulnerability: Overview**

- A. Does the new or updated plan include an overall summary description of the jurisdiction's vulnerability to each hazard?
- B. Does the new or updated plan address the impact of each hazard on the jurisdiction?

**§201.6(c)(2)(ii)(A) Assessing Vulnerability: Identifying Structures**

- A. Does the new or updated plan describe vulnerability in terms of the types and numbers of existing buildings, infrastructure, and critical facilities located in the identified hazard areas?

**§201.6(c)(2)(ii)(B) Assessing Vulnerability: Estimating Potential Losses**

- A. Does the new or updated plan estimate potential dollar losses to vulnerable structures?
- B. Does the new or updated plan describe the methodology used to prepare the estimate?

**MATRIX C: IDENTIFICATION AND ANALYSIS OF MITIGATION ACTIONS**

This matrix can assist FEMA and the State in scoring each hazard. Local jurisdictions may find the matrix useful to ensure consideration of a range of actions for each hazard. **Completing the matrix is not required.**

*Note: First, check which hazards are identified in requirement §201.6(c)(2)(i). Then, place a checkmark in either the N or S box for each applicable hazard. An "N" for any identified hazard will result in a "Needs Improvement" score for this requirement. List the hazard and its related shortcoming in the comments section of the Plan Review Crosswalk.*

Hazard Type	Hazards Identified Per Requirement §201.6(c)(2)(i) Yes	A. Comprehensive Range of Actions and Projects	
		N	S
Thunderstorm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lightning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tornado	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
High Winds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Severe Winter Storm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Extreme Heat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wildfire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drought	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dam Failure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Earthquake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Legend:**  
 §201.6(c)(3)(ii) Identification and Analysis of Mitigation Actions  
 A. Does the new or updated plan identify and analyze a comprehensive range of specific mitigation actions and projects for each hazard?

**ATTACHMENT G**

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
2010 RURAL ECONOMIC ACTION PLAN (REAP)**

**RESOLUTION 2010-02**

**WHEREAS**, Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, authorized by the Secretary of Housing and Urban Development, as representative of the United States of America, to grant to the State of Oklahoma funds and administrative responsibility for the "Small Cities Community Development Block Grant" program; and

**WHEREAS**, the Oklahoma Department of Commerce, pursuant to designation by the Governor as the administering agency of the Community Development Block Grant Program for Small Cities in Oklahoma, is directed to further the purposes of community development in the State, and is authorized and empowered to accept funds from the Federal Government or its agencies and to enter into such contracts and agreements as are necessary to carry out the functions of the Department; and

**WHEREAS**, the Town of South Coffeyville is a local unit of general purpose government that will provide opportunity for input by residents in determining and prioritizing community development needs through its written Citizen Participation Plan; and

**NOW THEREFORE, BE IT RESOLVED** by the Town Council (Governing Body) that Town of South Coffeyville (Government Subdivision) desires to obtain assistance in community development and hereby requests the Oklahoma Department of Commerce to provide assistance under the policies, regulations, and procedures applicable to local communities in Oklahoma.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council (Governing Body) that Town of South Coffeyville (Government Subdivision) affirms its commitment to take all action within its power to facilitate the receipt of the assistance of community development funds if the Town of South Coffeyville (Government Subdivision) is awarded a Community Development Block Grant, and upon receipt to administer said grant by the rules and regulations established by the United States of America, the State of Oklahoma, and all empowered agencies thereof.

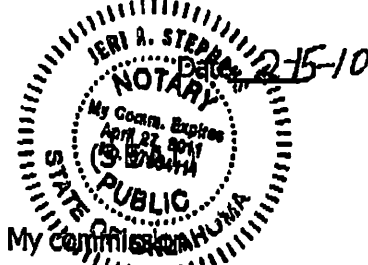
**ADOPTED** this 15 day of 02, 2010, at a (regularly or specially) scheduled meeting of the governing body, in compliance with the Open Meeting Act, 25 O.S. §§ 301-314 (2001).

Jim Wilhelms, Mayor  
(Type) Name and Title of Chief Elected Official

[Signature]  
Signature of Chief Elected Official

Attest:  
Subscribed and sworn to before me 2/15, 2010

Expires 4-27, 2011  
[Signature]  
Clark Signature



Commission No. 0700411

RESOLUTION 2010-03

AUTHORIZING APPLICATION FOR A COOPERATE CREDIT UNION VISA CARD.

**WHEREAS, The Town of South Coffeyville has the need to raise the credit limit of it's Cooperate Credit Union Visa Card ; and**

**NOW THEREFORE, BE IT RESOLVED that Mayor Jim Wilhelms is hereby authorized and directed to execute a credit card application on behalf of the Town of South Coffeyville, Oklahoma, with the Cooperative Credit Union, Coffeyville, Kansas, subject to a credit limit in an amount not to exceed \$10,000.00.**

**PASSED AND APPROVED by the Town of South Coffeyville's City Council of South Coffeyville, Oklahoma this 15<sup>th</sup> day of March, 2010.**

By

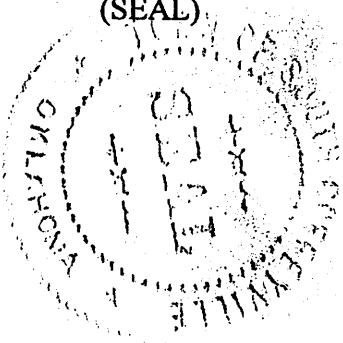
  
Jim Wilhelms

Title Chairman

ATTEST:

  
\_\_\_\_\_

(SEAL)



Required: An official resolution, adopted by the city council and bearing the clerk's official seal, one that says something to the following effect:

BE IT RESOLVED that the Mayor is hereby authorized and directed to execute a credit card application on behalf of the City of South Coffeyville, Oklahoma, with the Cooperative Credit Union, Coffeyville, Kansas, subject to a credit limit in an amount not to exceed \$10,000.

**RESOLUTION 2011-01  
NOTICE OF ELECTION  
SOUTH COFFEYVILLE, OKLAHOMA**

**I. BE IT RESOLVED** by the governing body of the Town of South Coffeyville that for the purpose of electing officers of said City/Town that:

1. a nonpartisan general election, if needed, shall be held on Tuesday, April 05, 2011.

**II. BE IT FURTHER RESOLVED** that the filing period for electing officers of said Town shall begin 8:00 a.m. on Monday, February 07, 2011 and close at 5:00 p.m. on Wednesday, February 09, 2011.

**III. BE IT FURTHER RESOLVED** that the officers of said City/Town to be elected are:

1. Nominated at large and elected at large. (An ordinance authorizing the nomination of officers at large is on file with the County Election Board)

**IV. BE IT FURTHER RESOLVED** that the following officers will be elected for four-year terms:

3 Trustee Positions, Expires 2015

**V. BE IT FURTHER RESOLVED** that each candidate must be a qualified elector by virtue of being a resident and registered voter within the municipality, or in the ward if an office is from a ward, for at least six (6) months prior to filing a declaration of candidacy.

**VI. BE IT FURTHER RESOLVED** that absentee ballots will be provided in accordance with State Law.

ADOPTED this 18 day of January, 2011.  
(Seal)

ATTEST:

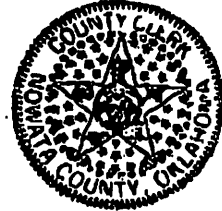
  
City/ Town Clerk

  
Mayor

I-FILED-000000 Book 0000 Pg: 0  
05/21/2012 3:00 pm Pg 0000-0000  
Fee: \$ 0.00 Doc: \$ 0.00  
Teresa Jackson - Nowata County Clerk  
State of Oklahoma

**Resolution No. 2012-02**

**A Resolution for street name change from  
"Osage Street" to "Osage Industrial Way"  
Within the Town of South Coffeyville,  
Nowata County, Oklahoma.**



**WHEREAS,** the street designated as "Osage Street" shown on the final plat of the original township, Town of South Coffeyville, runs north and south between Interstate and 8<sup>th</sup> Street, along Blocks 10,11,12,13,28,29,30,31,50,51,52,53,70, 71, and

**WHEREAS,** the Town of South Coffeyville has requested that the word "street" be deleted from this street name and the words "Industrial Way" replace.

**WHEREAS,** the Town of South Coffeyville finds that renaming the street Would be consistent with the area in which the street is located.

**NOW, THEREFORE, BE IT FURTHER RESOLVED, BY THE TOWN OF SOUTH COFFEYVILLE, OKLAHOMA:**

That the street named "Osage Street" located within the original township, Town of South Coffeyville, Nowata County, Oklahoma shall here be changed to "Osage Industrial Way".

Adopted by Council of Trustees of the Town of South Coffeyville of South Coffeyville, Oklahoma, this 21 day of May 2012.

Mayor Jim Wilhelms

ATTEST:



**ORIGINAL**



Resolution 2012- 03

WHEREAS, The Innovation Center at Rogers State University has received a three-year grant to help communities establish entrepreneur friendly environments; and

WHEREAS, small businesses create the majority of the new jobs in Oklahoma and serve a valuable and vital role; and

WHEREAS, the Town wishes to promote and encourage the growth of small businesses; and

WHEREAS, creating an entrepreneur friendly environment requires a community wide effort; and

WHEREAS, the growth of small business is essential to the prosperity of South Coffeyville and the livelihood of its residents; and

WHEREAS, the Entrepreneur Ready Community Program will provide guidance and assistance that will enable South Coffeyville to establish a fertile environment essential to the creation and expansion of small business in South Coffeyville;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of South Coffeyville, County of Nowata, Oklahoma, that the Town Council hereby:

- Endorses and supports the Entrepreneur Ready Community Program initiated by the Innovation Center at Rogers State University;
- Commits to active involvement in the leadership group that will coordinate and implement the program;
- Will seek opportunities in city government to develop policies and procedures that will facilitate entrepreneurship and small business expansion;

ADOPTED by the Council of the Town of South Coffeyville, Oklahoma this 18 day of June, 2012.

Town of South Coffeyville, Oklahoma

By: Jim Wilhelms

Jim Wilhelms (Mayor)

Attest: Charlene Swatek

(Town Treasure/Clerk)

**RESOLUTION 2012-04**

**AUTHORIZING APPLICATION FOR  
FINANICAL ASSISTANCE FROM THE RURAL ECONOMIC ACTION FUND**

*WHEREAS*, Town of South Coffeyville desire to seek funding from the Rural Economic Action Plan Fund for purchase of tanker truck in said Nowata County; and

*WHEREAS*, it is in the best interest of the residents of the Town of South Coffeyville to expedite the preparation and submission of an application for financial assistance from the Rural Economic Action Plan Fund, in the form of a grant.

*NOW, THEREFORE, BE IT RESOLVED* that, the Mayor of the Town of South Coffeyville is hereby authorized and directed to sign an application and related documents necessary to file and process a grant application through Grand Gateway EDA's Rural Economic Action Plan Fund on behalf of the Town of South Coffeyville.

PASSED AND APPROVED by the Town of South Coffeyville's Town Council on this 6<sup>th</sup> day of August, 2012.

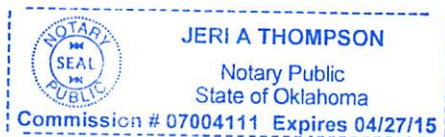
By *Jim Wilhelms*  
Chief Elected/Appointed Official

Subscribed and sworn to before me this 6<sup>th</sup> day of August, 2012.

ATTEST: *Charles S. Suter*  
*Jeri A. Thompson*  
Clerk, Notary Public

My Commission Expires: *04/27/15*

(Seal)



**RESOLUTION 2013-01  
NOTICE OF ELECTION  
SOUTH COFFEYVILLE, OKLAHOMA**

**I. BE IT RESOLVED** by the governing body of the City/Town of South Coffeyville that for the purpose of electing officers of said City/Town that:

1. a nonpartisan general election, if needed, shall be held on Tuesday, April 2, 2013;

**II. BE IT FURTHER RESOLVED** that the filing period for electing officers of said City/Town shall begin 8:00 a.m. on Monday, February 4, 2013 and close at 5:00 p.m. on Wednesday, February 6, 2013.

**III. BE IT FURTHER RESOLVED** that the officers of said City/Town to be elected are:

1. Nominated at large and elected at large. (An ordinance authorizing the nomination of officers at large is on file with the County Election Board).

**IV. BE IT FURTHER RESOLVED** that the following officers will be elected for four-year terms:

*Town of South Coffeyville Council Member-2017  
Town of South Coffeyville Council Member-2017  
Town of South Coffeyville Council Member-2017  
City Clerk/ Treasurer-2017*

**V. BE IT FURTHER RESOLVED** that the following officers will be elected to fill two-year unexpired terms:

*No Openings*

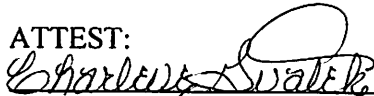
**VI. BE IT FURTHER RESOLVED** that each candidate must be a qualified elector by virtue of being a resident and registered voter within the municipality, or in the ward if an office is from a ward, for at least six (6) months prior to filing a declaration of candidacy.

**VII. BE IT FURTHER RESOLVED** that absentee ballots will be provided in accordance with State Law.

ADOPTED this 17 day of January, 2013.

(Seal)

ATTEST:

  
City/Town Clerk

  
Mayor

**RECEIVED**

**JAN 17 2013**

**NOWATA COUNTY  
ELECTION BOARD**

**Capital Improvement 5-Year Plan Adoption**

Town of South Coffeyville

Resolution #: 2013-04

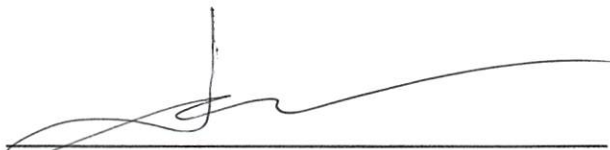
A Resolution by the Town of South Coffeyville adopting the Capital Improvement Plan for the Town of South Coffeyville.

Whereas, the Town of South Coffeyville recognizes the necessity of establishing a Long Range Capital Improvement Plan to properly plan for future community growth and development of the community in an orderly and affordable manner, and

Whereas, the Local Planning Activities Committee (LPAC) and Community Volunteers have completed the Inventory, Mapping, Analysis, and 5-Year Plan Development segments of the Capital Improvement Planning Project, and

Whereas, the Plan has been open to public review and comment for 30 days,

Therefore, be it resolved, that the Town of South Coffeyville accepts the Capital Improvement Plan and that the Plan is hereby adopted this day, December 16, 2013, at a scheduled meeting in compliance with the Open Meeting Act, 25 O.S. §§ 301-314 (2001).

  
\_\_\_\_\_  
Authorized Official

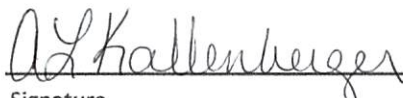
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

12/16/2013

Attest: Subscribed & sworn to before me this 16 day of December, 2013.  
My Commission expires: \_\_\_\_\_



  
\_\_\_\_\_  
Signature

**ORIGINAL**

Resolution 2014-04

WHEREAS, the Town of South Coffeyville considered the proposal to change the name of the following public way or easement:


**Old Highway 169 starting 380 feet from the south edge of 8<sup>th</sup> Street extending south 3938 feet to south edge of County Road 2.5.**

**and, to be hereafter designated as Oklahoma Street.**


WHEREAS, said name change is deemed to be in the best interest of the Town of South Coffeyville.

NOW, THEREFORE, BE IT RESOLVED that the aforesaid street name change is recommended to the Town Council.

APPROVED AND ADOPTED this 18<sup>th</sup> day of August, 2014.

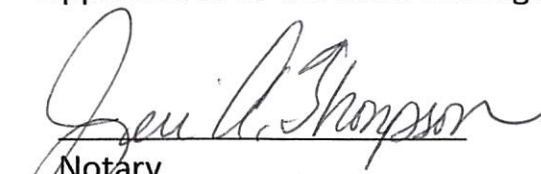
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Approved as to the form and legality this 18<sup>th</sup> day of August, 2014.



  
\_\_\_\_\_  
Notary

**RESOLUTION 2015-01  
NOTICE OF ELECTION  
SOUTH COFFEYVILLE, OKLAHOMA**

**I. BE IT RESOLVED** by the governing body of the Town of South Coffeyville that for the purpose of electing officers of Town that:

1. a nonpartisan general election, if needed, shall be held on Tuesday, April 07, 2015;

**II. BE IT FURTHER RESOLVED** that the filing period for electing officers of said City/Town shall begin  
At 8:00 a.m. on Monday, February 02, 2015 and close at 5:00 p.m. on Wednesday, February 04, 2015.

**III. BE IT FURTHER RESOLVED** that officers of said City/Town to be elected are:

1. Nominated at large and elected at large. (An ordinance authorizing the nomination of officers at large is on file with the County Election Board).

**IV. BE IT FURTHER RESOVLED** that the following officers will be elected for four-year term terms:

*Town of South Coffeyville Trustee-2019  
Town of South Coffeyville Trustee-2019*

**V. BE IT FURTHER RESOLVED** that the following officers will be elected to fill two-year terms:

*Town of South Coffeyville Trustee-2017  
Town of South Coffeyville Trustee-2017*

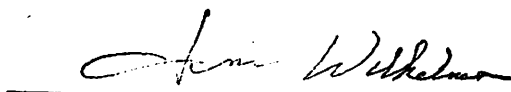
**VI. BE IT FURTHER RESOLVED** that each candidate must be a qualified elector by virtue of being a resident and registered voter within the municipality, or in the ward if an office is from a ward, for at six (6) months prior to filing a declaration of candidacy.

**VII. BE IT FURTHER RESOLVED** that absentee ballots will be provided in accordance with State Law.

ADOPTED this 5 day of January, 2015.  
(Seal)

ATTEST:

  
City/Town Clerk

  
Mayor

**ORIGINAL**

**RESOLUTION 2016-01**

**AUTHORIZING APPLICATION FOR  
FINANCIAL ASSISTANCE FROM THE RURAL ECONOMIC ACTION PLAN FUND**

**WHEREAS**, Town of South Coffeyville desire to seek funding from the Rural Economic Action Plan Fund for property purchase for housing in said Town of South Coffeyville, Nowata County; and  
(Applicant name)

**WHEREAS**, it is in the best interest of the residents of Town of South Coffeyville to expedite the preparation and submission of an application for financial assistance from the Rural Economic Action Plan Fund, in the form of a grant.

**NOW, THEREFORE, BE IT RESOLVED** that, the Mayor Jim Wilhelms of the Board of Trustees is hereby authorized and directed to sign an application and related documents necessary to file and process a grant application through Grand Gateway EDA's Rural Economic Action Plan Fund on behalf of Town of South Coffeyville.

PASSED AND APPROVED by the Board of Trustees of the Town of South Coffeyville on this 3 day of August, 2015.

By: [Signature]  
Chief Elected/Appointed Official

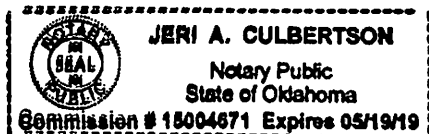
Subscribed and sworn to before me this 3<sup>rd</sup> day of August, 2015.

ATTEST:

[Signature]  
Clerk/ Notary Public Jeri A. Culbertson

My Commission Expires: 05/19/19

(Seal)





**RESOLUTION 2016-09**  
**Resolution to Permanently Close a Section of 4<sup>th</sup> Street**  
**From the Corner of 4<sup>th</sup> Street and Osage Street, West**  
**225 ft. to City Limit Line**

- Whereas, the Municipality has the authority to permanently close streets and alleys Within its jurisdiction, upon compliance with applicable law: and
- Whereas, on August 01, 2016 adopted a Resolution of Intent to Close said Section of 4<sup>th</sup> Street from the corner of 4<sup>th</sup> Street and Osage Street, west 225 ft. to City Limit Line and ordered a public hearing on the question for Street closing at its Special Meeting in the Native American Fellowship Building at 215 Oklahoma Street, South Coffeyville, Oklahoma.
- Whereas, a Section of 4<sup>th</sup> Street from the corner of 4<sup>th</sup> Street and Osage Street, west 225 ft. to City Limit Line is not under the authority and control of the Department of Transportation and is located within the municipal limits of the Town of South Coffeyville Municipality
- Whereas, it appears to the satisfaction of the Governing Body that closing a Section of 4<sup>th</sup> Street from the corner of 4<sup>th</sup> Street and Osage Street, west 225ft to City Limit Line is not contrary to the public interest and that no individual property owner in the vicinity of a Section of 4<sup>th</sup> Street from the corner of 4<sup>th</sup> Street and Osage Street, west 225 ft. to City Limit Line would thereby be deprived of reasonable means of ingress and egress to his/her property

***NOW, THEREFORE, BE IT RESOLVED*** that,

- (1) A Section of 4<sup>th</sup> Street from the corner of 4<sup>th</sup> Street and Osage Street, west 225 ft. to City Limit Line be, and the same is hereby, permanently closed to public use as a street.
- (2) A certified copy of this resolution and order be filed in the Office of the Register of Deeds for Nowata County.

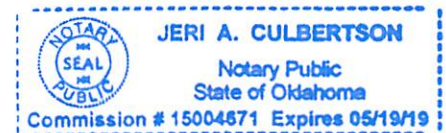
***PASSED AND APPROVED***, by the Town of South Coffeyville this 1 day of Aug, 2016

By: \_\_\_\_\_  
Mayor

Subscribed and sworn before me this 1 day of Aug, 2016

***ATTEST:***

Charlene Swatek  
Clerk/Notary Public



My Commission Expires: 5/13/19  
Jeri Culbertson