

PART 1

GENERAL PROVISIONS

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CHAPTER 1

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SECTION 1-101 DESIGNATION AND CITATION OF CODE.

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

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

SECTION 1-102 RULES OF CODE CONSTRUCTION; DEFINITIONS.

- A. In the construction of this Code and all ordinances, the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the town Board of Trustees or the context clearly requires otherwise:
1. “And/or” means “or,” and “or” may be read “and” if the sense requires it;
 2. “Board of Trustees” means the governing body of the Town, the Town Board of Trustees;
 3. “Bond” means an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event;
 4. “Building” means any structure intended to have walls and a roof;

5. "Building official" means the person appointed by the Town and designated as the Town's building official;
6. "Business" means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward;
7. "Clerk" means the Town Clerk;
8. "County" means Creek County, Oklahoma;
9. "Definitions" given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided;
10. "Designee," following an official of the Town, means the authorized agent, employee or representative of such official;
11. "Gender" words importing the masculine gender include the feminine and neuter as well as the masculine;
12. "Health officer" means administrator of the cooperative department of the County and the Town;
13. "Keeper" means one in possession of or who has the care, custody or superintendence of a thing, place or business whether or not the owner or proprietor, and includes any person, firm, association, corporation, club and co partnership whether acting by themselves or by a servant, agent or employee;
14. "Law" means applicable federal law and court decisions, court decisions and provisions of the constitution and statutes of the state and ordinances of the town, and, when appropriate, any and all rules and regulations promulgated thereunder;
15. "May" is permissive and discretionary;
16. "Mayor" means the Mayor of the Town;
17. "Month" means a calendar month;
18. "Number" words used in the singular include the plural and the plural includes the singular;
19. "Oath" means any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath;
20. "Occupant" means tenant or person in actual possession;

21. “Operate” means carry on, keep, conduct, maintain, manage, direct or superintend;
22. “Ordinances” mean the Ordinances of the Town and all amendments and supplements thereto;
23. “Owner” means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, “owner” means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land;
24. “Person” means any individual, natural person, joint stock company, partnership, voluntary association, club, firm, company, corporation, business trust, organization, or any other bodies corporate or politic or group acting as a unit, or the manager lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, clerk, trustee, receiver, or other representative appointed according to law;
25. “Personal property” means any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property;
26. “Preceding” and “following” mean next before and next after, respectively;
27. “Proprietor” means an owner of the property or premises, including any person, firm, association, corporation, club, partnership or other group acting as a unit, whether acting by themselves or by a servant, agent or employee;
28. “Public place” means and includes any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot, the elevator, lobby halls, corridors and areas open to the public of any store, office, or apartment building, or any other place commonly open to the public;
29. “Real property” means land together with all things attached to the land so as to become a part thereof;
30. “Shall” means mandatory;
31. “Sidewalk” means that portion of a street between the curblines and the adjacent property along the margin of a street or other highway, designed, constructed and intended for the use of pedestrians to the exclusion of vehicles;

32. "Signature and subscription" means the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him;
33. "State" means the State of Oklahoma;
34. "Statutes" means the Oklahoma Statutes as they are now or as they may be amended to be;
35. "Street" means all street, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this Town, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State;
36. "Tenant" means any person occupying the premises, building or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others;
37. "Tense" words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise;
38. "Time" means the hour of the day according to the official time of the day;
39. "Time of performance" means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded;
40. "Town" means the Town of Kiefer, in the County of Creek and State of Oklahoma;
41. "Town limits" means within the Town and includes not only the corporate limits of the Town but also any property which it owns or which is under its jurisdiction;
42. "Treasurer" means the town treasurer;
43. "Watercourse" means any drain, ditch and stream, flowing in a definite direction or course in a bed with banks;
44. "Week" means seven (7) days;

45. “Writing” and “written” mean any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means; and

46. “Year” means a calendar year.

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

SECTION 1-103 AUTHORITY OF CODE.

This Code is a revision and codification of the general Ordinances of the Town, which have been enacted and published in accordance with the authority granted in Sections 14-108 and 14-109 of Title 11 of the Oklahoma Statutes.

SECTION 1-104 CONFLICTING PROVISIONS.

- A. If the provisions of different parts, chapters, articles or sections of this Code conflict with or contravene each other, the provisions of each part, chapter, article or section shall prevail as to all matters and questions growing out of the subject matter of that part, chapter, article or section.
- B. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that section.

SECTION 1-105 REFERENCES INCLUDE AMENDMENTS; CONSTRUCTION.

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

SECTION 1-106 CATCHLINES AND HEADINGS; CONSTRUCTION.

All designations and headings of parts, chapters, articles and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such parts, chapters, articles or sections whether printed in capital letters or bold face type. They shall not be deemed or taken to be any part or title of such parts, chapters, articles or sections; nor, unless expressly so provided, shall they be so deemed upon amendment or reenactment; nor shall they be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this Code.

SECTION 1-107 CODE PROVISIONS AS CONTINUANCE OF EXISTING ORDINANCES.

The provisions appearing in this Code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the Town and existing at the effective date of this Code, shall be considered as restatements and continuations thereof and not as new enactments.

SECTION 1-108 GENERAL AND SPECIFIC PENALTIES; SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.

- A. Whenever in this Code, in any ordinance of the Town, or in any rule or regulation promulgated pursuant to this Code, any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided herein or therefor, the violation of any such provision of this Code or any ordinance or rule shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00) excluding court costs except where another specific penalty is established in this Code. If a penalty is limited by state law, such violations shall be punishable by not to exceed the maximum permitted by state law or the amount declared by the Town, whichever is greater.

- B. The suspension or revocation of any license, certificate or other privilege conferred by the Town shall not be regarded as a penalty for the purposes of this Code but shall be in addition thereto.

- C. Maximum punishment for certain offenses specified hereafter as a maximum fine of Seven Hundred Fifty Dollars (\$750.00) and/or incarceration of up to sixty (60) days.
 - 1. Assault and Battery Section 13-201
 - 2. Assault and Battery on a Police Officer..... Section 13-605
 - 3. Injured to Private or Public PropertySection 13-310, 13-315
 - 4. Petit Larceny Section 13-301
 - 5. Obtaining Merchandise or Services by False Pretenses Section 13-302
 - 6. Possession of Stolen Property Section 13-304
 - 7. Defrauding Public Accommodation Section 13-305
 - 8. Bogus Checks..... Section 13-308
 - 9. Defacing a Public Building or Structure..... Section 13-310
 - 10. Damage or Destruction of Private Property Section 13-312
 - 11. Damage to Public Works Section 13-313
 - 12. Damage to a Vehicle..... Section 13-314
 - 13. Tampering with Public Utilities..... Section 13-315

State Law Reference: Maximum penalties, \$750.00 and 60 days, maximum fine in court with lawyer judge, 11 O.S. Sec. 14-111; Fines over \$200.00 or imprisonment by jury trial, 11 O.S. Sec. 27-119.

SECTION 1-109 EACH DAY OF VIOLATION OF CODE A SEPARATE OFFENSE.

Each day any person is in violation of any provision of this Code, and each day any such violation occurs or continues to exist, shall be a separate offense.

SECTION 1-110 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING, CONCEALING.

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

SECTION 1-111 CIVIL RELIEF FROM VIOLATIONS OF CODE OF ORDINANCES.

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

SECTION 1-112 TERRITORIAL APPLICABILITY.

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

SECTION 1-113 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 is 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.

SECTION 1-114 CODE SEVERABILITY.

It is declared to be the intention of the Board of Trustees that the sections, subsections, paragraphs, sentences, clauses and words of this Code are severable. If any section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of this Code, since the sections or parts of sections would have been enacted

by the Board of Trustees without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause or word being incorporated into this Code.

CHAPTER 2

CORPORATE AND WARD LIMITS

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ARTICLE B

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Section 1-211 Corporate Boundaries Map.

ARTICLE C

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ARTICLE A

MUNICIPAL WARDS

Section 1-201 Trustees Elected at Large.

SECTION 1-201 TRUSTEES ELECTED AT LARGE.

Pursuant to Oklahoma Statutes 11 O.S. Section 20-101, 11 O.S. Section 2-105, 11 O.S. Section 20-102 and 20-105, there shall be no Ward boundaries required within the Town of Kiefer, Oklahoma, because all members of the Town Board of Trustees shall be nominated and elected at large, without regard for their place of residence within said Town. Ward numbers shall be retained, but shall not represent a specific area. (See also Part 2 Administration and Government, this Code of Ordinances.)

ARTICLE B

CORPORATE BOUNDARIES

Section 1-211 Corporate Boundaries Map.

SECTION 1-211 CORPORATE BOUNDARIES MAP.

1. A map depicting the current corporate boundaries of the Town of Kiefer, Oklahoma, shall be maintained and displayed in the Office of the Town Clerk-Treasurer.
2. This map shall reflect all current annexation and de-annexation Ordinances and orders, all plat and/or street vacation orders, and all official street names and shall represent the official map of the corporate boundaries of the Town of Kiefer, Oklahoma.
3. This map may be combined with the official Zoning Districts Map (See Article C of this chapter). All dedicated streets and alleys shall be shown on this map; vacated streets and alleys shall not be shown on said map, but shall be re-drawn by the methods provided by Oklahoma Statutes.

ARTICLE C

ZONING DISTRICT BOUNDARIES

Section 1-221 Zoning District Boundaries.

SECTION 1-221 ZONING DISTRICT BOUNDARIES.

1. A map showing the boundaries of all current Zoning Districts within the entire corporate boundaries of the Town of Kiefer, Oklahoma, shall be maintained in the Office of the Town Clerk-Treasurer, if a Zoning Ordinance is in effect within said Municipality.
2. This map shall reflect all current Zoning Ordinance provisions (See also Part 14 Planning and Community Development, this Code of Ordinances.) and all current Ordinances re-Zoning land, and shall represent the official Zoning Districts Map for the Town of Kiefer, Oklahoma
3. This map may be combined with the official map of the corporate limits of the Town of Kiefer, Oklahoma (See Article B of this chapter).
4. This map shall be available for public inspection.

PART 2

ADMINISTRATION AND GOVERNMENT

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CHAPTER 1

GOVERNMENT ORGANIZATION

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Section 2-119	Nepotism; Compatibility of Offices.
Section 2-120	Appointment of personnel in emergencies.

SECTION 2-101 FORM OF GOVERNMENT.

The Town is governed under the Board of Trustees form of government. The Board of Trustees shall consist of five (5) Trustees. All powers of the Town shall be exercised in the manner prescribed by the Town Code, by state statute and in such manner prescribed by ordinances adopted by the Town Board of Trustees.

SECTION 2-102 TOWN ELECTIONS.

- A. Pursuant to Section 16-302 of Title 11 of the Oklahoma Statutes, the Town hereby declares that it shall not be governed by the Oklahoma Town Meeting Act for electing its officers and deciding initiative and referendum questions.
- B. The Town shall elect its officers and decide initiative and referendum questions through elections conducted by the County Election Board pursuant to Section 16-101 et seq. of Title 11 of the Oklahoma Statutes.

SECTION 2-103 MEETINGS OF THE BOARD OF TRUSTEES.

- A. Municipal business shall be conducted at regularly-scheduled open and public meetings held in the Town Hall (or another agreed upon place which is open to the

public), on the third Wednesday of each month, or the next day scheduled and posted beginning at 6:00 o'clock p.m.

- B. Special or Emergency Town Board Meetings may be called by the Mayor or by a majority of the Trustees, upon the serving of notice, as required by current State Law.
- C. The Town Board of Trustees shall establish, by motion or Resolution, an order of business for the conduct of its meetings.
- D. Every meeting of the Town Board of Trustees shall be held in the Kiefer Municipal Building, 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 designated place.

State Law Reference: See also Open Meetings Act, 25 O.S. Sec. 301 et seq.

SECTION 2-104 MAYOR; ACTING MAYOR.

- A. The Town Board of Trustees shall elect one (1) of its members as Mayor. The Mayor shall be elected in each odd-numbered year, at the 1st Town Board meeting held after the Trustees' terms begin, or as soon thereafter as practicable.
- B. When a vacancy occurs in the Office of Mayor, the Town Board of Trustees shall elect another Mayor from among its members to serve for the duration of the unexpired term.
- C. The Mayor shall preside at all meetings of the Town Board of Trustees and may call Special Meetings thereof.
- D. The Mayor shall certify to the correct enrollment of all Ordinances and Resolutions passed by the Town Board of Trustees. The Mayor shall have all the powers, rights, privileges, duties and responsibilities of a Trustee, and, as an elected representative of the citizens of a Ward, may vote on all matters that come before the Town Board of Trustees.
- E. The Mayor shall be recognized as the head of the Municipal Government for all ceremonial purposes.
- F. In order to ensure continued service and leadership during the absence, disability or suspension of the Mayor, the Town Board of Trustees shall elect an Acting Mayor from among its members.
- G. The Mayor shall perform all other duties prescribed by State Law or Ordinance.

SECTION 2-105 TOWN CLERK-TREASURER.

- A. The Town Clerk-Treasurer, as an officer of the Town of Kiefer, Oklahoma, shall attend all meetings of the Town Board of Trustees and keep a journal of the proceedings of said Town Board.
- B. The Town Clerk-Treasurer shall have custody of all documents, records and archives of the Municipality, as well as be custodian of the Municipal Seal.
- C. The Town Clerk-Treasurer shall attest and affix said Seal to documents as required by Law or Ordinance, and shall see that all Ordinances passed are kept on file, in the Office of the Town Clerk-Treasurer.
- D. The Town Clerk-Treasurer shall so keep all accounts to show where and from what sources all monies paid have been derived, and to whom and when such monies or any part thereof have been paid. All books, accounts and vouchers shall at all times be subject to the examination of the Town Board of Trustees.
- E. The Town Clerk-Treasurer shall maintain a general accounting system for the Municipal Government.
- F. The Town Clerk-Treasurer shall have such further powers and duties as may be prescribed by this Code of Ordinance, by applicable State Law or by the Town Board of Trustees.

SECTION 2-106 TOWN ADMINISTRATOR.

The position of Town Administrator is hereby created. Said position shall be filled by Appointment by the Board of Trustees. The Town Administrator shall perform such supervisory duties as the Town board may direct.

SECTION 2-107 TOWN ATTORNEY.

The Town Attorney is an officer of the Town, appointed by the Mayor with the confirmation of the Board of Trustees. The Town Attorney shall have such duties as are prescribed by the Town Board.

SECTION 2-108 MUNICIPAL BUILDING INSPECTOR.

- A. There is hereby created the Office of Municipal Building Inspector within the administrative structure of the Town of Kiefer, Oklahoma. The Municipal Building Inspector shall be appointed by the Town Board of Trustees; said appointment shall continue during good behavior and satisfactory service. Removal from office shall only be for cause, after full opportunity has been given for a hearing on specific charges. This position may also be filled, on a contractual basis, if necessary.

- B. The powers and duties of the Municipal Building Inspector shall be as follows;
1. To enforce all provisions of the Codes adopted by this Code of Ordinances;
 2. To receive and process applications required by such Codes or this Code of Ordinances;
 3. To review Building Permit applications, other Permit applications, issue required Certifications and serve as the Zoning Administration Officer for the Town (See also Building Regulations and Codes);
 4. To examine premises for which Permits have been issued under such Codes or this Code of Ordinances and make necessary inspections to see that the provisions of the Codes or this Code of Ordinances are complied with and that construction is done safely;
 5. To investigate, when requested by the Town Board of Trustees, or when the public interest so requires, matters referred to in such Codes and render written reports on the same;
 6. To issue such notices or orders as may be necessary to enforce compliance with the adopted Codes or this Code of Ordinances, to remove illegal or unsafe conditions, to secure the necessary safeguards during the construction or to require adequate exit facilities in buildings and structures; and
 7. To make inspections required under the provisions of the Codes adopted by this Code of Ordinances, or to ensure that inspections are made by a duly-appointed assistant.
- C. During any temporary absence of the Municipal Building Inspector, the Town Board of Trustees may designate an Acting Building Inspector; the Town Clerk-Treasurer shall serve as Acting Building Inspector, unless the Town Board of Trustees designates another person as such, by motion.
- D. The Municipal Building Inspector, while in the discharge of official duty, shall have the authority to enter any building or premise for the purpose of making any inspection or test of the construction or equipment contained therein, or its installation.
- E. The Municipal Building Inspector may perform electrical or plumbing inspections and may also serve as the Electrical or Plumbing Inspector, if so designated by the Town Board of Trustees.

SECTION 2-109 CODE ENFORCEMENT OFFICER.

- F. There is hereby created the position of Municipal Code Enforcement Officer. The powers and duties of the Municipal Code Enforcement Officer shall be as follows:
1. To enforce all ordinances concerning zoning, nuisance abatement, public utilities tampering, and the health and safety of citizens of the Town of Kiefer;
 2. To investigate possible violations of all ordinances concerning zoning, nuisance abatement, public utilities tampering, and the health and safety of citizens of the Town of Kiefer and to render written reports on the same to the Board of Trustees;
 3. To issue such citations, notices or orders as may be necessary to enforce compliance with all ordinances concerning zoning, nuisance abatement, public utilities tampering, and the health and safety of citizens of the Town of Kiefer and to take appropriate action to remove illegal or unsafe conditions.
 4. To be responsible for coordinating Kiefer Clean Up Days, and to work with neighborhood associations and civic leaders to provide for an effective means to keep the town clean and free from debris.
 5. To perform such other and further duties as may be assigned by the Board of Trustees from time to time.
- G. The Municipal Code Enforcement Officer shall work closely with the Town Administrative Assistant and the Kiefer Public Works Authority clerk in order to promptly address nuisance reports.
- H. The Municipal Code Enforcement Officer shall not serve as Building Inspector, Mechanical Inspector, Electrical Inspector, or Plumbing Inspector, unless expressly directed to do so by the Town Board of Trustees. The Municipal Code Enforcement Officer shall make written reports to be submitted to the Mayor by each Friday.
- I. The Municipal Code Enforcement Officer may act as a certified, active reserve police officer for the Town of Kiefer, provided all such police reserve duties shall be kept separate from code enforcement duties. The Municipal Code Enforcement Officer shall not serve as a police officer or reserve police officer for the Town of Kiefer during his duty time.
- J. The Municipal Code Enforcement Officer shall be an at-will employee of the Town of Kiefer.
- K. The Municipal Code Enforcement Officer will abide by Kiefer Personnel Regulations.

- L. In the event the Town of Kiefer chooses not to hire a Municipal Code Enforcement Officer, all Municipal Code Enforcement Officer duties shall be executed by the Town Administrator.

SECTION 2-110 ELECTRICAL INSPECTOR.

- A. There is hereby created the Office of Electrical Inspector within the administrative structure of the Town of Kiefer, Oklahoma. The Electrical Inspector shall be appointed by the Mayor, subject to confirmation by the Town Board of Trustees.
- B. The Electrical Inspector shall have had experience as an electrician, shall be of good moral character, shall be knowledgeable of the approved methods of electrical construction and shall be certified by the state.
- C. The Electrical Inspector shall have all of the powers and duties prescribed by the Electrical Code adopted by this Code of Ordinances, and shall also ensure that all Municipal Ordinances and regulations relating to electrical safety are properly enforced. (See also Building Regulations and Codes.)

SECTION 2-111 PLUMBING INSPECTOR.

- A. There is hereby created the Office of Plumbing Inspector within the administrative structure of the Town of Kiefer, Oklahoma.
- B. The Plumbing Inspector shall be appointed by the Mayor, subject to confirmation by the Town Board of Trustees; the Plumbing may also hold other positions in the Municipal Government.
- C. The Plumbing Inspector shall have all of the powers and duties prescribed by the Plumbing Code adopted by this Code of Ordinances, shall be certified by the state and shall also ensure that all Municipal Ordinances and regulations relating to water and sanitary plumbing are properly enforced. (See also Building Regulations and Codes.)

SECTION 2-112 MECHANICAL INSPECTOR.

- A. There is hereby created the Office of Mechanical Inspector for the Town of Kiefer, Oklahoma, said person to be appointed by the Mayor, subject to confirmation by the Town Board of Trustees.
- B. The Mechanical Inspector shall have experience with, and knowledge of, the operations covered by the Town's adopted Mechanical Code.

SECTION 2-113 ANIMAL CONTROL OFFICER.

- A. The Mayor, with the approval of the Town Board of Trustees, may appoint a person, persons or other entity to serve as the Animal Control Officer(s) for the Town of Kiefer, Oklahoma; said Officer(s) shall be appointed for an indefinite term, and may be removed by said Town Board.

- B. The salary of the Animal Control Officer(s) shall be established by the Town Board of Trustees, and may be either on a salary basis or a contractual fee system related to enforcement activities.

- C. In the alternative, the Town Board of Trustees may contract for Animal Control.

SECTION 2-114 ZONING BOARD OF ADJUSTMENT; FLOODPLAIN VARIANCE APPEALS BOARD.

Refer to Part 14 Planning, Zoning and Development Section 14-104 for definition.

SECTION 2-115 ADMINISTRATIVE DEPARTMENTS, OFFICERS AND AGENCIES.

There shall be such other administrative departments, agencies and officers as the Board of Trustees may establish.

SECTION 2-116 BONDS FOR TOWN OFFICERS AND EMPLOYEES.

The Town Clerk and the Town Treasurer and such officers and employees as are designated by the Town Board of Trustees shall, before entering upon the discharge of their duties, execute and file with the Town Clerk surety bonds issued by a surety company authorized to operate in the state conditioned upon the faithful performance of their duties. The Town shall pay the premium on such bonds.

SECTION 2-117 COMPENSATION.

The compensation of all elected Town Officials, including the following, shall be fixed by ordinance. Subject to Section 10 of Article 23 of the Oklahoma Constitution and 11 O.S.A. 12-113 of the Oklahoma Statutes. Said salaries shall be as follows:

- A. The basic compensation of the following elected Municipal officers shall be as indicated below:
 - 1. Each Trustee: Fifty Dollars (\$50.00) per month
 - 2. Town Clerk-Treasurer: Four Hundred Dollars (\$650.00) per month

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

- C. The Town Board of Trustees may determine or regulate the number and class of officers and employees and determine or change their compensation, by motion or Resolution; this provision shall also be applicable to, the Town Clerk-Treasurer and the Town Treasurer, whenever either or both positions are appointive.

SECTION 2-118 SUCCESSION IN GOVERNMENT.

- A. All Ordinances, insofar as they are not inconsistent with this Code of Ordinances, shall continue in effect until they are repealed or until they expire by their limitations.
- B. All officers and employees of the Town of Kiefer, Oklahoma, under any and all previous Ordinances, shall continue in the offices and employments which they respectively hold, after this Code of Ordinances goes into effect.
- C. All books, vouchers, monies or other property belonging to the Town of Kiefer, Oklahoma, and in charge or possession of any officer of the Town shall be delivered to said person's successor.

SECTION 2-119 NEPOTISM; COMPATIBILITY OF OFFICES.

- A. No member of the Town Board of Trustees nor any other authority of the Municipal Government, may appoint, or vote for the appointment of, any person related to said person by affinity or consanguinity within the third (3rd) degree, to any office or position of profit in the Municipal Government.
- B. The following relatives shall be considered as within the third (3rd) degree of affinity or consanguinity; sons, daughters, grandsons, granddaughters, great grandsons, great granddaughters, brothers, sister, nephews, nieces, aunts, uncles, primary cousins, grandfathers, grandmothers, grand uncles, grand aunts, great grandfathers, great grandmothers, son-in-law, great granddaughter-in-law, brother-in-law, sister-in-law, nephew-in-law, niece-in-law, aunt-in-law, uncle-in-law, primary cousins-in-law, grandfather-in-law, grandmother-in-law, grand uncle-in-law, grand aunt-in-law, great grandfather-in-law, great grandmother-in-law, grand nephew, grand niece, grand nephew-in-law, grand niece-in-law, stepson, stepdaughter, stepfather or stepmother; a divorce decree shall be deemed to dissolve all relationships arising by that marriage.
- C. Except as may be otherwise provided by Ordinance, the same person may hold more than one (1) office or position in the Municipal Government.

SECTION 2-120 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 therefore. 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 and welfare of the citizens of the Town.

CHAPTER 2

RETIREMENT AND PENSIONS

ARTICLE A

SOCIAL SECURITY

Section 2-201 Town officers and employees under Federal Social Security.
Section 2-202 Employee Retirement System

ARTICLE B

FIREFIGHTER'S PENSION AND RETIREMENT SYSTEM

Section 2-211 System created.
Section 2-212 System to be operated in accordance with law.

ARTICLE A

SOCIAL SECURITY

SECTION 2-201 TOWN OFFICERS AND EMPLOYEES UNDER FEDERAL SOCIAL SECURITY.

- A. It is hereby declared to be the policy of the Town to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this section, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act, and amendments thereto. In pursuance of this policy, the Town shall take such action as may be required by applicable state or federal laws or regulations.
- B. The Mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Human Services as agent or agency, to secure coverage of employees and officials as provided in Subsection A hereof.
- C. Withholdings from salaries or wages of employees and officials for the purpose provided in Subsection A hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws or regulations.
- D. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's

contributions, which shall be paid over to the state or federal agency designated by said laws or regulations.

- E. The Town shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.
- F. There is hereby excluded from this section any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the Town.
- G. There is hereby excluded from this section any authority to make an agreement with respect to any position or any employee or official, compensation for which is on a fee basis, or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

SECTION 1-202 EMPLOYEE RETIREMENT SYSTEM

- A. **PURPOSE:** Pursuant to the authority of the State of Oklahoma the Town of Kiefer for the purpose of encouraging efficiency hereby establishes the KIEFER EMPLOYEE RETIRMENT SYSTEM DEFINED BENEFIT PLAN.
- B. **ADMINISTRATION:** For the purpose of Administration there is hereby established a Committee which shall be composed of the members of the Board of Trustees of Kiefer as then are serving. The duties of said Committee are as herein after specified.
- C. **FUND:** A fund is hereby established for the exclusive use and benefit of the individuals entitled to benefits under the System. All contributions paid into said system shall be received in Trust for said system by the Town. Such fund shall be pooled for the purpose of investment and management with the monies of other such towns and cities and municipal trusts as a part of the Oklahoma Municipal Retirement Fund a public trust.
- D. **APPROPRIATIONS:** The Town of Kiefer is authorized to incur the necessary expenses for the establishment and operation of said fund and to take any and all actions necessary under said system in accordance with the Defined Benefits Plan and for the payment of administration or costs of operation.
- E. **SPECIAL INCOME TAX TREATMENT:** The Plan contains provisions that are intended to constitute a pick up program by the employer that satisfies the requirements of 414(H)2 of the Internal Revenue Code of 1986 and the Plan. Said provisions have been specifically adopted and approved and the Mandatory Contributions are Picked Up by the Plan so as not to be included in the Plan Participant's gross income for federal income tax purposes.

- F. EXECUTION: The Mayor and the City Clerk are authorized to take all actions necessary to place all acts necessary to place said system into full force and effect.

ARTICLE B

FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM

SECTION 2-211 SYSTEM CREATED.

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

State Law Reference: Firefighters' pension system, 11 O.S. Secs. 40-101 et seq.

SECTION 2-212 SYSTEM TO BE OPERATED IN ACCORDANCE WITH LAW.

- A. The firefighters' pension and retirement system as established by Sections 49-100.1 et seq. of Title 11 of the Oklahoma Statutes is hereby adopted by reference.
- B. The local Board of Trustees of the firefighters' pension and retirement system, servicing the firefighters of the Town, shall be constituted as provided by state law and shall have the powers and duties prescribed thereby.

CHAPTER 3

TOWN RECORDS

Section 2-301	Appointment of official custodians.
Section 2-302	Designation of additional record custodians.
Section 2-303	Duties of custodians.
Section 2-304	Requests to be directed to custodians.
Section 2-305	Procedures regarding both inspection and copying of open public records.
Section 2-306	Procedures regarding inspection of open public records.
Section 2-307	Procedures regarding copies of open public records.
Section 2-308	Fees.

SECTION 2-301 APPOINTMENT OF OFFICIAL CUSTODIANS.

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

Town Clerk. All public records kept and maintained in the Town Clerk's office and all other public records not provided for elsewhere in this chapter.

State Law Reference: Open Records Act, 51 O.S. Sections 24.A.1 to 24.A.18.

SECTION 2-302 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

- A. Each of the official custodians appointed in Section 2-301 of this code is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.
- B. Whenever an official custodian shall appoint another person as a record custodian, he shall notify the Town Clerk of such designation and the Town Clerk shall maintain a register of all such designations.

SECTION 2-303 DUTIES OF CUSTODIANS.

All Town Officials and employees appointed or designated under this chapter shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the Town; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this town for inspecting and copying open public records.

SECTION 2-304 REQUESTS TO BE DIRECTED TO CUSTODIANS.

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

SECTION 2-305 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS.

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

- 1. Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records;
- 2. Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;
- 3. Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;
- 4. All inspections and copying of open public records shall be performed by or under the supervision of, the record custodian responsible for such records;
- 5. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution;
- 6. All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record;
- 7. Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has

demanding that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian or Town Clerk.

8. The record custodian or Town Clerk shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in Section 2-308 of this code;
9. No record search or copying fee shall be assessed against officers or employees of the Town who make requests which are reasonably necessary to the performance of their official duties;
10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;
11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted; and
12. The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office or the record custodian.

SECTION 2-306 PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS.

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

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

SECTION 2-307 PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS.

The following procedures apply regarding copies of records:

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

SECTION 2-308 FEES.

- A. Where a request has been made for the inspection of an open public record, no fee shall be charged.
- B. A fee per page as set by the Board of Trustees by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment.
- C. For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the Town, including the cost of labor, materials and equipment.
- D. A search fee shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be the actual cost to the Town of producing the record, including the cost of labor, materials and equipment.
- E. A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Twenty Dollars (\$20.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.

PART 3

ALCOHOLIC BEVERAGES

CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101	Definitions.
Section 3-102	Amount of tax.
Section 3-103	Application for license, conditions.
Section 3-104	Application for certificate of zoning, code compliance.
Section 3-105	Compliance with State and Town Law.
Section 3-106	Sale to minors prohibited, minors prohibited from premises.
Section 3-107	Transportation of intoxicating beverages and/or low-point beer.
Section 3-108	General prohibitions.
Section 3-109	Consumption of intoxicating alcoholic beverage in public places.
Section 3-110	Misrepresentation of age.
Section 3-111	Employment of persons under age of twenty-one (21) prohibited.
Section 3-112	Persons under age twenty-one (21) in possession of intoxicating beverages in public prohibited.
Section 3-113	Location of retail package store and mixed beverage establishments, exceptions.
Section 3-114	Hours of operation.
Section 3-115	Package store premises to be separated from premises where other business conducted.
Section 3-116	Sale or delivery prohibited on certain days.

CHAPTER 1

ALCOHOLIC BEVERAGES

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Section 3-114	Hours of operation.
Section 3-115	Package store premises to be separated from premises where other business conducted.
Section 3-116	Sale or delivery prohibited on certain days.

SECTION 3-101 DEFINITIONS.

- A. Definition of terms used in this chapter shall be in conformity with those provided in Section 506 of Title 37 of the Oklahoma Statutes.

- B. As used herein:
 - 1. “ABLE Commission” means the Alcoholic Beverage Laws Enforcement Commission of the state;

 - 2. “Alcoholic Beverage” means alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings, but does not include low-point beer as that term is defined in Sec. 3-201 of this chapter;

 - 3. “Bottle Club” means any establishment in a county which has not authorized the retail sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix and serve alcoholic beverages belonging to club members or club premises; it includes any association, person, firm or corporation, key club, locker club, pool club, or any other kind of club or association, excluding the general public from its premises or place of meeting or congregating or operating

or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home;

Reference: Alcoholic Beverage Control Act, 37 O.S. Secs. 501 et seq.; Town powers generally as to alcoholic beverage, 37 O.S. Sec. 503.

SECTION 3-102 AMOUNT OF TAX.

A. There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and pursuant to the provisions of Section 554.1 of Title 37 of the Oklahoma Statutes in the amount as set by the Town Board of Trustees by motion or resolution.

1.	Brewer	\$1,250.00
2.	Distiller	\$3,125.00
3.	Winemaker	\$625.00
4.	Oklahoma Winemaker	\$75.00
5.	Rectifier	\$3,125.00
6.	Wholesaler	\$3,500.00
7.	Class B Wholesaler	\$625.00
8.	Bottle Club	\$900.00
9.	Service Organizations Exempt Under Section 501(c) (19) of the IRS Code, for Bottle Club	\$500.00
10.	Retail Package Store	\$300.00
11.	Caterer	\$900.00
12.	Special Event, per day	\$50.00
13.	Beer and Wine Sales	\$250.00 Initial and \$100.00 Annual Renewal

B. The occupation tax for those service organizations which are exempt under Section 501 (c) (19) of the Internal Revenue Code for bottle club licenses shall be Five Hundred Dollars (\$500.00). The occupation tax for a brewer and a class "B" wholesaler shall be reduced by seventy-five percent (75%) if the brewer of class "B" wholesaler is also the holder of a license from the state to manufacture or wholesale any low-point beer as provided in Section 518 of Title 37 of the Oklahoma Statutes.

C. The occupation tax levied herein shall be paid in advance annually, on or before July 1, to the Town Clerk, who shall issue a receipt therefor. The tax shall be prorated on a monthly basis for the year in which an occupation begins operations.

D. Upon payment of the occupation tax, the Town Clerk shall issue a receipt, signed by the Town Clerk, to the state licensee paying such occupational tax. The Town Clerk shall also record the name of the licensee and the address where the licensee engages in his occupation. Such record shall be duly filed and kept in the permanent files of the Town for at least five (5) years. Thereafter, upon resolution by the Board of Trustees, it may be destroyed.

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

Reference: Cities may levy occupation tax not to exceed state fee, 37 O.S. Sec. 554.1; state license fee amounts, 37 O.S. Sec. 518.

SECTION 3-103 APPLICATION FOR LICENSE, CONDITIONS.

- A. Every person desiring to obtain a license as provided for herein shall make application to the Town Clerk on forms to be provided setting forth the location of the business, the names of all persons interested in the business, together with their addresses; if a corporation, the application shall include the names of the president and managing officer.
- B. No licensee shall be issued a license without satisfactory showing that the applicant has:
 - 1. Satisfied the conditions of this chapter;
 - 2. Obtained all applicable state and county permits or licenses; and
 - 3. Paid the tax as required herein.
- C. No license shall be issued or valid unless the licensee meets the requirements of the Town's zoning ordinances and regulations.

SECTION 3-104 APPLICATION FOR CERTIFICATE OF ZONING AND CODE COMPLIANCE.

- A. Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the Town required by Title 37 of the Oklahoma Statutes shall apply at the office of the Town Clerk by:
 - 1. Filing a written application on forms prescribed by that office; and
 - 2. Paying a verification and certification fee in the amount as set by the Board of Trustees at the time of filing.
- B. Upon receipt of an application for a certificate of compliance, the Town Clerk shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning ordinance and any health, fire, building or other safety codes applicable to it.
- C. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the ABLE Commission.
- D. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety and health codes, a certificate of compliance shall be issued to the ABLE Commission.
- E. The Town Board shall act on such application within twenty (20) days of receipt thereof. The above certificates of compliance shall be signed by the Mayor.

SECTION 3-105 COMPLIANCE WITH STATE AND TOWN LAW.

No person shall own, operate or maintain a retail package store or mixed beverage establishment, or produce, manufacture, distribute, rectify, bottle or sell any beer, spirits, wine or other alcoholic beverage, without first obtaining valid licenses issued by the state and the Town.

SECTION 3-106 SALE TO MINOR PROHIBITED.

- A. No person shall sell, deliver, furnish or give any alcoholic beverage to any person under the age of twenty-one (21) years, except that this sentence shall not apply to a parent or guardian as regards his child or children.
- B. No licensee shall permit any person less than twenty-one (21) years of age to enter, remain within or be about the premises of a retail package store or mixed beverage establishment.

- C. No person under twenty-one (21) years of age shall enter, remain within or be about the premises of a retail package store or mixed beverage establishment, except in conformity to state law.

SECTION 3-107 TRANSPORTATION OF INTOXICATING BEVERAGES .

- A. It shall be unlawful for any person to knowingly transport in any moving vehicle on a public street, highway or alley any intoxicating beverage or low-point beer, as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, 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 in the rear trunk or compartment which is not accessible to the driver or to any other person in the vehicle while it is in motion. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and subject to a fine, not to exceed the sum of Fifty Dollars (\$50.00).
- B. Any person convicted of violating this Ordinance shall, in addition to any fine as described above, pay a special assessment trauma-care fee of One Hundred Dollars (\$100.00) to be deposited to the Trauma Care Assistance Revolving Fund created by Section 1-2522 of Title 63 of the Oklahoma Statutes.
- C. The provisions of this Ordinance shall not apply to the passenger area of buses, as defined in the Oklahoma Statutes as being a vehicle for the transport of people for hire, or limousines, as defined by the Oklahoma Statutes as a chauffeur driven vehicle, other than a bus or taxi cab. However, it shall be unlawful for the driver of any such bus or limousine to consume or to have in his immediate possession any such intoxicating beverage or low-point beer.

Reference: Similar provisions, 37 O.S. Sec. 537.

SECTION 3-108 GENERAL PROHIBITIONS.

- A. No person shall:
 - 1. Purchase any alcoholic beverage at retail or wholesale from any person other than a dealer licensed by the ABLE Commission;
 - 2. Except as otherwise permitted in this chapter, drink any alcoholic beverage in public except on the premises of a licensee who is authorized to sell or serve alcoholic beverages by the individual drink or be intoxicated in a public place; or
 - 3. Open a container of intoxicating beverages or consume alcoholic beverages on the premises of a retail package store; or
 - 4. Possess more than one quart of any alcoholic beverage unless the state tax has been paid thereon, except as may be otherwise provided by law.

B. No licensee shall:

1. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition; or
2. Advertise or offer “Happy hours” or any other means or inducements to stimulate the consumption of alcoholic beverages including:
 - a. Deliver more than two (2) drinks to one person at one time;
 - b. Sell or offer to sell to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
 - c. Sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
 - d. Sell or offer to sell drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 - e. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or
 - f. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

C. No licensee shall:

1. Allow any person on the premises where alcoholic beverages are sold or dispensed for consumption on the premises of the licensee where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic area, buttocks or genitalia;
2. Permit any person to perform acts of, or acts which simulate sexual acts;
3. Permit any person to use artificial devices or inanimate objects to depict any lewd activities; or
4. Permit the showing of films, still pictures, electronic reproduction or other visual reproduction depicting any of the prohibited acts in this section.

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

Reference: Similar provisions, 37 O.S. Sec. 537.

SECTION 3-109 CONSUMPTION OF INTOXICATING ALCOHOLIC BEVERAGE IN PUBLIC PLACES.

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

SECTION 3-110 MISREPRESENTATION OF AGE.

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

SECTION 3-111 EMPLOYMENT OF PERSONS UNDER AGE OF TWENTY-ONE (21) PROHIBITED.

No licensee shall employ, assist or aid in causing the employment of any person under the age of twenty-one (21) years in the selling, manufacture, distribution or other handling of alcoholic beverages. However, a mixed beverage, caterer, or special event licensee may employ servers who are eighteen (18) years of age or older, except in designated bar or lounge areas.

SECTION 3-112 PERSONS UNDER AGE TWENTY-ONE (21) IN POSSESSION OF INTOXICATING BEVERAGES IN PUBLIC PROHIBITED.

No person less than age twenty-one (21) years of age shall be in possession of any alcoholic beverage while such person is upon any public street, road, highway or in any public place.

SECTION 3-113 LOCATION OF RETAIL PACKAGE STORE AND MIXED BEVERAGE ESTABLISHMENT, EXCEPTIONS.

- A. No person shall own, operate, maintain or have any interest in any retail package store, which is located at a place in this Town which is forbidden as a location for such store by state law or city ordinance
- B. The location of retail package store or mixed beverage establishment is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or public school. If any such church or school shall be established within three hundred (300) feet of any licensed premises after such premises had been licensed, this shall not be a bar to

renewal of such license by Alcoholic Beverage Laws Enforcement Commission so long as it has been in continuous force and effect. The distance shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store or mixed beverage establishment along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. A retail package store or mixed beverage establishment shall not be located on any town block where a church or school is located.

Reference: Similar provisions, 37 O.S. Sec. 518.2; Location as zoning classification, 37 O.S. Sec. 528.2.

SECTION 3-114 HOURS OF OPERATION.

- A. No package store licensee shall sell or keep a package store premises open for the purpose of selling any alcoholic beverages at any hour than at those hours permitted under Oklahoma statutes..
- B. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed drink beverage licensee or bottle club except during those hours permitted pursuant to Oklahoma Statute. No person, having in his possession an open container, shall drive or be a passenger in any vehicle on the streets or highways of Kiefer, Oklahoma.

SECTION 3-115 PACKAGE STORE PREMISES TO BE SEPARATED FROM PREMISES WHERE OTHER BUSINESS CONDUCTED.

No person shall maintain, operate, or assist in any manner in the maintenance or operation of a package store upon premises which are not separated from adjoining premises, on which any other goods, wares or merchandise are sold or services are rendered, by nontransparent walls, broken only, if at all, by a passage to which the public is not admitted. No person shall take any alcoholic beverage through such passageway for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverage.

Reference: Similar provisions, 37 O.S. Sec. 534.

SECTION 3-116 SALE OR DELIVERY PROHIBITED ON CERTAIN DAYS.

- A. No licensee shall engage in retail sale of alcoholic beverages on such days and times as prohibited by the State Law.
- B. No wholesale dealer in alcoholic beverages shall sell or deliver to any package store and no package store shall sell any amount of spirits or wines except on those days specifically permitted by Oklahoma statutes,

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CHAPTER 1

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SECTION 4-101 DEFINITIONS.

- A. The following words and phrases, when used in this Chapter, shall have the meanings prescribed in this Section, except in those cases where the context clearly indicates, or specifically provides for, a different meaning:
1. "Animal" means all vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds and fowl (including parakeets), cattle, cats, chickens, dogs, ducks, geese, goats, fish, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.
 2. "Animal Control Officer" or "Rabies Control Officer" shall mean the person(s) responsible for enforcement of the Town of Kiefer, Oklahoma's, Ordinances and regulations pertaining to animal control in said Community.
 3. "Animal Shelter" or "Municipal Pound" means any premises formally designated by the Town Board of Trustees for the purpose of impounding and caring for animals held under the authority of this Part, regardless of whether or not said premises are within or without the Municipality's corporate boundaries, and regardless of whether or not said premises are under actual Municipal ownership or provided for under a contractual arrangement between the Town of Kiefer, Oklahoma, and private sector owner(s).

4. "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 the immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise, whether on the owner's premises or not.
5. "Harboring" means allowing any animal to habitually remain, or be fed, on premises under an owner's control.
6. "Kennel" means any structure or place where more than three (3) dogs, over three (3) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary (less than 60 days) boarding of more than three (3) dogs over three (3) months of age.
7. "Livestock" means all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.
8. "Neuter" means to render a male dog or cat unable to reproduce.
9. "New Owner" means a person legally competent to enter into a contract acquiring a dog or cat from the releasing agency.
10. "Owner" means any person, firm or corporation owning, harboring or keeping an animal; occupants of any premises to which a domesticated or tamed animal customarily returns for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal, and thereby considered to be an "owner" of said animal.
11. "Pet" means any animal kept primarily for pleasure, rather than for sale or other commercial purpose.
12. "Releasing Agency" means any Pound (Municipal or otherwise), shelter or Humane Society organization, whether public or private.
13. "Restraint" An animal shall be deemed to be under "restraint" if confined on the premises of its owner, if on a leash and accompanied by a responsible person, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.
14. "Spay" means to remove the ovaries of a female dog or cat, in order to render said animal unable to reproduce.
15. "Sterilization" means to spay or neuter a dog or cat.
16. "Vicious Dog or Animal" refers to any dog or animal which has bitten or attempted to bite any person without undue provocation, or which attacks, barks

or growls at and acts as if it intended to attack or bite, any person or persons when not unduly provoked.

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

B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

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

SECTION 4-102 ANIMALS NOT TO BE AT LARGE.

1. It shall be unlawful and an offense for the owner of any animal, domestic or wild, (including dogs), to permit the same to be, run at large or trespass upon the premises of another person, or be unlawfully at large at any time within the corporate limits of the Town of Kiefer, Oklahoma.
2. It shall be unlawful and an offense for any person to:
 - a. Keep, own, harbor or possess any dog within the corporate limits of the Town of Kiefer, Oklahoma, without providing a substantial and secure pen in which said dog shall be confined (which pen shall be sufficient in size that no sanitation or health problem shall be involved); or to
 - b. Allow a dog to be under the control of any person, and placed on an inadequately-sized leash so that it can reach or bite any person who may be using the public thoroughfares of the Town, so the dog can reach beyond the limits of the lot or premises upon which said dog is kept and confined, or so the dog may reach any person who may be rendering necessary services to the house of such owner, upon the premises where said dog may be kept, harbored or possessed.

SECTION 4-103 DISTURBANCES BY ANIMALS; PUBLIC NUISANCE ABATEMENT.

1. It shall be a public nuisance for any person to keep any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of, or creates a nuisance for, any person or persons.
2. It shall also be a public nuisance for any person to keep any dog or other animal which attacks other animals or damages private or public property.
3. Abatement of such public nuisances shall be handled in accordance with the provisions of the "Nuisances" Chapter in this Code of Ordinances.

SECTION 4-104 KEEPING ANIMALS.

1. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the Town of Kiefer, Oklahoma, except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.
2. If no specific provisions are listed in this Code of Ordinances for keeping of a particular type of animal, said animal type shall not be kept at all within the corporate limits of the Town of Kiefer, Oklahoma.
3. No swine shall be kept within the corporate limits of the Town of Kiefer, Oklahoma, with the exception of FFA and/or 4-H projects kept on public school property, or in appropriately-zoned areas.
4. Every structure wherein any authorized animal is kept within the corporate limits of the Town of Kiefer, Oklahoma, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health. Every such structure, if located within two hundred (200) feet of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall provide a watertight and fly tight receptacle for manure, of sufficient size to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times, except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.
5. The keeping of bees within the corporate limits of the Town of Kiefer, Oklahoma, shall be permitted only in those areas Zoned for Agricultural or Large-Lot (over 2 acres) Residential uses, and in accordance with Zoning Ordinance provisions. No License or Permit, other than Zoning clearance, shall be required to keep or raise bees.
6. Consistent with provisions of the Town's existing or future Zoning Ordinance, the keeping or raising of horses, sheep, cattle and chickens (or similar fowl), shall only be permitted in areas zoned agricultural in the Town of Kiefer, Oklahoma, as long as the premises are maintained in accordance with the provisions of Subsection 4 (above) and State and County Health Department requirements and standards. Additional restrictions on the raising and/or keeping of animals may be imposed by the Zoning Ordinance without conflicting with this Subsection.

7. The raising of parakeets and/ or other small birds or similar fowl shall be permitted within the Town of Kiefer, Oklahoma, without License or Permit requirements, subject to the following provisions:
 - a. All activities associated with the raising of parakeets shall be completely enclosed and out of the public view;
 - b. Premises utilized for the raising of parakeets shall be maintained in accordance with Subsection 4 (above); and
 - c. All requirements of any adopted Zoning Ordinance shall be met.
8. The raising or keeping of rabbits shall be permitted, in accordance with the provisions of Section 4 (above), as well as any applicable provisions of any adopted Zoning Ordinance.
9. The keeping or raising of any wild animals shall be prohibited within the Town of Kiefer, Oklahoma, except for those wild animals which may be under the care of traveling shows or circuses, and for which the License requirements of Article 2 of this Chapter are met and a Permit obtained.
10. No snakes which are poisonous in their natural state, may be kept within the corporate limits of the Town of Kiefer, Oklahoma, except under the conditions and provisions of any License required for such snakes in Article 2 of this Chapter; it shall be unlawful for any person, firm or corporation to keep or raise such snakes within said Town, without having met Permit requirements and obtained a Permit.
11. Consistent with provisions of the Town's current or future Zoning Ordinance, persons living within the Town's corporate limits who are conducting farming and/or ranching operations on tracts of land of five (5) acres or larger, may keep and maintain such animals as may be required or useful in their operations; provided, that, such sanitary requirements as may be detailed in this Section and Chapter shall be complied with at all times, regardless of the size of the tract of land involved.

SECTION 4-105 RESPONSIBILITIES OF OWNERS.

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

1. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
2. Owners shall provide proper care and treatment of their animals.
3. Owners shall not abandon their animals.

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

SECTION 4-106 CRUELTY TO ANIMALS.

1. It shall be unlawful for any person knowingly, willfully or maliciously to:
 - a. Deposit any animal with the intention of abandoning the same;
 - b. Pour on or apply to an animal, any drug or other thing which inflicts pain;
 - c. Improperly use any collar, leash, harness, etc., resulting in pain or damage to an animal;
 - d. Treat an animal in a cruel or inhumane manner;
 - e. Neglect an animal belonging to, or in the custody of an owner, in a cruel or inhumane manner;
 - f. Kill, or attempt to kill, any animal in an inhumane manner; or
 - g. Poison, or expose to poison, any dog or other animal, except a noxious, non-domesticated animal.
2. It shall be unlawful for any person to instigate or encourage a fight between animals, or to keep a house, pit or other place used for fights between animals.

SECTION 4-107 TURNING CONFINED ANIMALS AT LARGE UNLAWFUL.

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

SECTION 4-108 PASTURING IN PUBLIC AREAS UNLAWFUL.

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

SECTION 4-109 RABIES CONTROL; VACCINATION REQUIREMENTS.

1. Any warm-blooded animal, capable of transmitting the virus rabies, maintained or harbored at any time in the Town of Kiefer, Oklahoma, shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least three (3) years, and who shall issue the owner of such animal a vaccination Certificate (which shall be retained by said owner until it expires and is renewed). The failure to procure such Certificate when so requested by the Animal Control Officer shall be prima facie evidence that such animal has not been vaccinated.
2. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer and County Health Department. The Animal Control Officer shall securely quarantine such animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the Animal Control Officer, such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice (at the owner's expense), or at the Municipal Pound or Animal Shelter. In case of animals whose ownership is unknown, such quarantine shall be at the Municipal Pound or Animal Shelter. Said animal may be reclaimed by the owner, if adjudged free of rabies; such owner shall then pay any related charges for confinement.
3. When an animal under quarantine has been diagnosed as being rabid, or is suspected of having rabies by a licensed veterinarian, and dies while under such observation, the Animal Control Officer, veterinarian or other designated person I shall immediately send the necessary part of such animal to the State Department of Health for pathological examination and shall notify the proper Health Officer of any reports of human contact.
4. When a report gives a positive diagnosis of rabies and the County Health Director feels that a rabies crisis may be imminent, the Health Department may recommend to the Town Board of Trustees a Community-wide quarantine; upon the invoking of such quarantine by the Town Board of Trustees, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under leash and control of a competent adult). During such quarantine, no animal may be taken or removed from the Town of Kiefer, Oklahoma, without written permission of the Animal Control Officer.
5. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed; or, at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian; or, held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended.
6. No person shall remove from the Town of Kiefer, Oklahoma, any animal suspected of having been exposed to rabies, or any animal that has bitten a human, except as

herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Officer upon demand; the Animal Control Officer shall direct disposition of said animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.

7. It shall be the duty of every person within the corporate limits of the Town of Kiefer, Oklahoma, owning or harboring any dog or cat which is six (6) months old or older, to procure a Rabies Vaccination Certificate from a licensed veterinarian, or agent authorized by the Town Board of Trustees, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.
8. It shall be unlawful to not comply with all the Municipal vaccination requirements after fifteen (15) days of residency.

SECTION 4-110 CONFINING FEMALE DOGS AND CATS.

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

SECTION 4-111 CERTAIN DOGS RUNNING LOOSE TO BE KILLED.

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

SECTION 4-112 INSPECTIONS TO ENFORCE PART.

1. The Local or County Health Official, the Animal Control Officer, or any member of the Town Board of Trustees, upon complaint of any person or on a self-initiated basis, shall inspect any structure or place wherein an animal is kept.
2. The Local or County Health Official, or the Animal Control Officer, may issue any such reasonable order as may be deemed necessary to the owner of such animal, to cause such animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance.
3. The Local or County Health Official, or the Animal Control Officer, may make a complaint before the Municipal Judge against any person for violation of any provision of this Chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaints.

SECTION 4-113 ZONING ORDINANCE TO PREVAIL.

1. In case of conflict between this Chapter and the present or any future Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail and supersede the provisions of this Chapter.
2. No animal shall be kept in violation of the Zoning Ordinance.

SECTION 4-114 DOG AND CAT STERILIZATION.

1. No dog or cat may be released for adoption from a releasing agency in the Town of Kiefer, Oklahoma, unless said animal has been surgically spayed or neutered, or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be Ten Dollars (\$10.00).
2. The funds deposited with the releasing agency shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless said animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals, or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.
3. Releasing agencies may adopt any additional rules to implement the State Dog and Cat Sterilization Act; provided, that, said rules do not conflict with the provisions or purpose of the State Dog and Cat Sterilization Act to require the spaying and neutering of all dogs and cats adopted from releasing agencies.
4. Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the releasing agency shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.
5. If requested to do so, releasing agencies shall refund deposited funds to the adopting party, upon reasonable proof being presented to the releasing agency by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.
6. Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest-bearing account whenever feasible, and releasing agencies shall allocate funds from said account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the releasing agency. The releasing agency shall maintain accurate records of accounts which fund spay/neuter programs.

7. Subject to the provisions and purposes of the State Dog and Cat Sterilization Act and other Laws of the State of Oklahoma, releasing agencies may establish adoption standards for pets in their care; provided, that, in the case of public facilities, said standards must be reasonably related to the prevention of cruelty to animals, or the responsible management of dogs and cats in the interest of preserving the public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.
8. The provisions of the State Dog and Cat Sterilization Act shall not be construed to require the sterilization of dogs and cats held in releasing agencies which might be claimed by their rightful owners, nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of Section 491-402 of Title 4 of Oklahoma Statutes, 1991. Further, the State Dog and Cat Sterilization Act shall not be construed to interfere with Municipal Ordinances that meet or exceed the sterilization requirements set forth in the State Dog and Cat Sterilization Act.

SECTION 4-115 DOGS AND CATS TO BE VACCINATED.

The owner or keeper of any dog or cat six (6) months of age or older within the town limits shall have the dog or cat vaccinated against rabies by a licensed veterinarian on an annual basis, not to exceed three hundred ninety-five (395) days between vaccinations. Owners shall affix, or have affixed, to the collar or harness of each vaccinated dog or cat a metal disc with sufficient information thereon that the vaccination certificate covering the animal may be readily traced.

CHAPTER 2

LICENSE AND PERMIT REQUIREMENTS

Section 4-201	Licenses and tags for dogs.
Section 4-202	Licenses for poisonous snakes.
Section 4-203	Licenses for wild circus animals.
Section 4-204	License requirements for catteries, kennels and pet shops.
Section 4-205	Walking Dog Cleanup

SECTION 4-201 LICENSES AND TAGS FOR DOGS.

1. No person, without first obtaining a written Dog License from the Office of the Town Clerk-Treasurer, shall own, keep, harbor or have custody of any dog over six (6) months of age provided, that, the Town shall first have implemented such a License system.
2. No License shall be required for animals temporarily (seven days or less) brought and kept within the Town of Kiefer, Oklahoma, or for "seeing-eye" dogs, when such dogs are actually used to aid blind persons.
3. Licenses shall be issued only upon presentation of proof of current vaccination for rabies, as required by this Chapter.
4. The owner of the dog shall, at the time of paying the License fee, register the dog by giving the Town Clerk-Treasurer the name and address of the owner, the name, breed, color and sex of the dog and such other reasonable information as said Town Clerk-Treasurer may request.
5. The Town Clerk-Treasurer shall deliver an appropriate tag for the dog; in addition to the written receipt the tag shall constitute the License.
6. The owner shall cause the tag received from the Town Clerk-Treasurer to be affixed to the collar or harness of the dog upon which the License fee has been paid so that the tag can be seen by Police Officers, and the owner shall see that the tag is so worn at all times.
7. Dog License tags shall not be transferable, from one (1) dog to another, and no refunds shall be made for any Dog License fee because of the death of the dog or the owner's departure from the Community.
8. No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog, as provided in this Part.

9. An annual License fee as set by Board Resolution for every dog more than six (6) months of age, is hereby levied upon the owner of any such dog kept or harbored within the Town of Kiefer, Oklahoma.
10. All License fees shall be paid to the Town Clerk-Treasurer, and shall be due not later than the 1st day of July of each year, or within one (1) week after bringing such an animal into the Town after such date.
11. In the event of the loss of the tag before the end of the year for which it was issued, the owner may secure another for the dog by presenting the original receipt and the sum of fifty cents (\$0.50) to the Town Clerk-Treasurer.
12. Licensed veterinarians or approved Animal Shelters may serve as agents for the Town of Kiefer, Oklahoma, to sell Dog Licenses, subject to a written agreement being executed between said parties, delineating responsibilities, fees and charges for said service; written proof of vaccination shall be provided from a veterinarian.

SECTION 4-202 LICENSES FOR POISONOUS SNAKES.

1. No person shall keep, buy or otherwise acquire from another, any poisonous snake within the Town of Kiefer, Oklahoma, without first having obtained from the Town Clerk-Treasurer a License to keep, purchase or otherwise acquire such poisonous snake.
2. Said License shall not be issued by the Town Clerk-Treasurer until the applicant therefor has made satisfactory showing to the Town Clerk-Treasurer that there is ample and sufficient equipment to safely keep and confine any poisonous snake to be so kept or acquired in the Community.
3. To cover the costs of issuing such license, the necessary investigations preliminary to issuing and policing such License (by seeing that any poisonous snakes so acquired by the licensee are safely kept and confined), the applicant shall pay to the Town Clerk-Treasurer, upon issuance of such License, an annual License fee of Fifty Dollars (\$50.00).

SECTION 4-203 LICENSES FOR WILD CIRCUS ANIMALS.

1. All wild animals owned by a circus or traveling animal show, shall not be permitted within the corporate limits of the Town of Kiefer, Oklahoma, unless the owner or person in charge of said circus or show, or a designated representative, has first obtained a License for said animals from the Town Clerk-Treasurer.
2. Said License shall be issued by the Town Clerk-Treasurer upon submission of a written, signed statement by the applicant that ample safeguards have been provided to protect the public health, safety and welfare.

3. To cover issuance and enforcement costs, the applicant shall pay a fee of Twenty Dollars (\$20.00) to the Town Clerk-Treasurer; the written receipt may constitute the License.
4. Said License, so issued, shall be valid for a term of one (1) month.

SECTION 4-204 LICENSE REQUIREMENTS FOR CATTERIES, KENNELS AND PET SHOPS.

1. No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the Town of Kiefer, Oklahoma, unless such kennel is licensed as hereinafter provided. (See the definition of "kennel" in Section 4-1, this Code of Ordinances.)
2. Application for such License shall be made to the Town Clerk-Treasurer and shall state the name and address of the owner or operator of said kennel, with the street address and legal description of the property upon which the kennel is located; said kennel must be in compliance with any applicable portions of any present or future Zoning Ordinance adopted by the Town of Kiefer, Oklahoma.
3. The annual Kennel License fee shall be set by Board Resolution and such License shall be exhibited in a conspicuous place on the premises; each animal kept in a kennel shall also be required to have all other applicable Licenses, tags, etc.
4. Licenses shall be issued for a period of one (1) year beginning on the 1st day of July of each year. Licenses may be issued starting thirty (30) days before July 1, and for thirty (30) days thereafter, or at such time as a new kennel seeks to become operational.
5. A kennel owner must show proof of rabies vaccination on all animals over three (3) months of age when applying for a License.
6. Any person, firm or corporation maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this Code of Ordinances and any present or future Zoning Ordinance. Non-conforming kennels shall be deemed a public nuisance.
7. No kennel or other establishment wherein animals are kept shall be maintained closer than forty (40) feet to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence, other than that occupied by the owner or occupant of the premises upon which such animal is kept.
8. All pet shops, catteries and kennels shall:

- a. Maintain records and retain such records for a two (2) year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex, age, date and source of the animal, period for which the animal is maintained, date and disposition of the animal (including name and address of the new owner), and disease prevention and/or treatment and by whom.
 - b. Provide general environmental conditions to assure adequate physical space for each animal, control of parasites, clean food and water, weather protection and clean and sanitary facilities; and
 - c. Provide cages and pens of easily cleanable materials, if used for confinement, and keep such cages and pens clean and sanitary.
9. Pet shops shall be subject to the same requirements for licensing as kennels; in addition, any other requirements of this Code of Ordinances or of the adopted Zoning Ordinance which may involve specific animals sold in a pet shop, shall also be included in those regulations applicable to pet shops.

Section 4-205 WALKING DOG CLEANUP

It is unlawful for any person having custody and control of any dog to allow the placement, discharge, or deposit of any feces or manure from said animal to remain on or accumulate in any public property or the private property of any third party within the limits of Kiefer, Oklahoma. Any such feces so deposited shall be picked up and properly disposed of by said individual.

CHAPTER 3

MUNICIPAL POUND

Section 4-301	Municipal pound authorized.
Section 4-302	Impoundment of animals.
Section 4-303	Fees for impounding and keeping.
Section 4-304	Claiming of impounded animals.
Section 4-305	Sale of impounded animals of value.
Section 4-306	Breaking pound.

SECTION 4-301 MUNICIPAL POUND AUTHORIZED.

1. The Town Board of Trustees is hereby authorized to establish a Municipal Pound, under the jurisdiction of the Chief of Police or the Animal Control Officer, who shall provide proper sustenance for all animals impounded and treat them in a humane manner.
2. The Municipal Pound may be established on a shared or contractual basis with other units of government or with a private individual or firm, and need not be physically located within the Town of Kiefer, Oklahoma.

SECTION 4-302 IMPOUNDMENT OF ANIMALS.

1. It shall be the duty of the Animal Control Officer (or any other designated officer or employee of the Town), to take into custody, and impound, any animal running at large in violation of the provisions of this Chapter.
2. The Animal Control Officer shall also proceed to impound any dog that is running at large within the corporate limits of the Town of Kiefer, Oklahoma, or that is not confined with a secure and suitably-sized leash (as provided in this Chapter), regardless of whether or not the owner may have a Permit, the dog has been vaccinated or the dog bears a tag.
3. The Animal Control Officer shall immediately pick up and impound any and all dogs which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this Code of Ordinances.
4. Any person appearing at the Municipal Pound who shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any dog therein impounded, shall have such dog returned, upon the payment of the charges due, as authorized by the provisions of this Chapter.
5. Animals which are of no apparent value, taken into custody as provided in this Chapter, shall be destroyed in a humane manner by the Animal Control Officer; provided, that, no animal taken into custody shall be destroyed until such animal shall

have been impounded at least seventy-two (72) hours. During such time, the owner may reclaim the animal or a proper home may be established for such animal by any person desiring the animal as a pet and willing to pay applicable License fees and expenses incurred in the animal's detention.

6. Should any licensed institution request of the Animal Control Officer that animals be delivered to it for scientific or educational research, such animals may be released to said institution; provided, that, no animal taken into custody shall be delivered to such institution until such animal shall have been impounded for at least five (5) days and remain unclaimed and unredeemed by their owners or any other person(s) desiring such animal as a pet unredeemed by their owners or any other person (s) desiring such animal as a pet.
7. It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the Municipal official or employee responsible for impounding animals.

SECTION 4-303 FEEES FOR IMPOUNDING AND KEEPING.

1. The fees for impounding and keeping an animal, to be paid upon redemption shall be as determined by motion of the Town Board of Trustees.
2. All fees shall be paid to the Town Clerk-Treasurer. Receipt for payment of fees on an impounded animal shall be presented to the Animal Control Officer or the person in charge of the Municipal Pound, before the animal shall be released.

SECTION 4-304 CLAIMING OF IMPOUNDED ANIMALS.

1. An owner of an impounded animal, or his agent, may claim or redeem the animal prior to its sale, destruction or delivery to an institution, by paying the required fees against the animal and meeting any other requirements prescribed by this Chapter.
2. Any person claiming an unlicensed dog shall pay the required License fee to the Town Clerk-Treasurer, secure a tag and present the receipt therefor and a tag to the Animal Control Officer before the latter releases the dog. If a dog is licensed, but not wearing the tag, the Animal Control Officer shall require adequate evidence of proper licensing before the animal's release.

SECTION 4-305 SALE OF IMPOUNDED ANIMALS OF VALUE.

1. As soon as practicable after any animal of apparent value has been impounded, the Animal Control Officer or the Chief of Police shall thereupon post a conspicuously-visible notice thereof at the Town Hall. Such notice shall describe the animal, notify the owner to pay charges thereon and remove said charges prior to the time fixed for the sale thereof, and also state that, unless that animal is claimed, the animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowl shall not be before the 3rd day after posting of the notice

and the time of holding such sale for all other animals shall not be before the 10th day after the posting of the notice.

2. Sales provided herein shall be for cash to the highest bidder; the minimum bid shall cover fees for impounding and keeping the animal until the date of sale, plus a Five Dollar (\$5.00) fee to reimburse the Town of Kiefer, Oklahoma, for the sale expense, and shall be conducted by, or under the direction of, the Chief of Police. If there is no bid, the Chief of Police shall provide for and conduct another sale for the sale of such animal by posting notice thereof at the Town Hall, if there is reason to believe that a bid would be made at a later time; otherwise, after an offering of an impounded animal at a sale without a bidder, the animal shall be disposed of by the Animal Control Officer as provided in this Chapter.
3. A purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.
4. The Chief of Police shall pay to the Town Clerk-Treasurer all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of said Town Clerk-Treasurer is open for business.
5. The owner of an impounded animal sold as provided herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the animal and a fee of Five Dollars (\$5.00) to reimburse the Town of Kiefer, Oklahoma, for the expense it has incurred in making the sale. Such claim may be made at any time within ninety (90) days after the sale. If a claim is so made and approved by the Town Board of Trustees, the Town Clerk-Treasurer shall pay the claimant the excess if a claim is not so made, the excess shall belong to the Town.

SECTION 4-306 BREAKING POUND.

No unauthorized person shall break open, or attempt to break open, the Municipal Pound, or take or let out any animal therefrom, or take or attempt to take, from any officer or employee of the Town of Kiefer, Oklahoma, any animal taken into custody as provided by this Code of Ordinances, or in any manner interfere with or hinder such officer or employee in the discharge of duties relating to the taking into custody and impounding of animals, as provided in this Code of Ordinances.

CHAPTER 4: PENALTY

Section 4-401 Penalty.

SECTION 4-401 PENALTY.

Any person, firm or corporation who violates any provision of this Chapter, or who violates or neglects to carry out any reasonable order made by any Health Officer, the Chief of Police or the Animal Control Officer, pursuant to this Chapter, shall be guilty of an offense and, upon conviction thereof, be fined in a sum not to exceed the limits established in Chapter 11 of this Code of Ordinances, and shall be subject to revocation of any License or operating Permit issued pursuant to the provisions of this Chapter. Every day's violation of any provision of this Chapter or of such order of the Health Officer, Animal Control Officer or Chief of Police, shall constitute a separate offense.

PART 5

BUILDING REGULATIONS AND CODES

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101	Building Code adopted.
Section 5-102	Fees, regulations and fines by resolution.
Section 5-103	Penalty.
Section 5-104	Fire limits defined.

CHAPTER 2

PLUMBING REGULATIONS

Section 5-201	Plumbing Code adopted.
Section 5-202	Grease, oil and sand interceptors.
Section 5-203	Fees, regulations and fines by resolution.
Section 5-204	Plumbers' license.
Section 5-205	Penalty.

CHAPTER 3

ELECTRICAL CODE

Section 5-301	International Electrical Code adopted.
Section 5-302	Electricians' license.
Section 5-303	Penalty.

CHAPTER 4

GAS PIPING CODE

Section 5-401	Code adopted.
Section 5-402	License.
Section 5-403	Penalty.

CHAPTER 5

INTERNATIONAL FUEL GAS CODE

Section 5-501	Persons must comply with code.
Section 5-502	Penalty.

CHAPTER 6

MOVING BUILDINGS

Section 5-601 Permit required.
Section 5-602 Penalty.

CHAPTER 7

MECHANICAL CODE

Section 5-701 Adoption of Mechanical Code.
Section 5-702 Fees, regulations and fines by resolution.
Section 5-703 Mechanical license.
Section 5-704 Penalty.

CHAPTER 8

RESIDENTIAL CODE

Section 5-801 Adoption of International Residential Code.
Section 5-802 Fees, regulations and fines by resolution.
Section 5-803 Residential Code license.
Section 5-804 Smoke Detectors in multi-family residential structures.
Section 5-805 Penalty.

CHAPTER 9

PERMITS AND CERTIFICATIONS

Section 5-901 Building Permits.
Section 5-902 Permits and Fees for Electrical Inspections and Services.
Section 5-903 House Moving Permit.
Section 5-904 Pavement Cutting Permits.
Section 5-905 Ditching Permits.
Section 5-906 Permits for Pipes Across Streets.
Section 5-907 Demolition Permits.
Section 5-908 Liquefied Petroleum Gas State Permits.
Section 5-909 Preservation Certificate for Restoration Work.
Section 5-910 Underground Digging Regulations.

CHAPTER 10

SIGNS

Section 5-1001 Billboard signs.

Section 5-1002 Temporary/portable signs.

CHAPTER 11

MISCELLANEOUS PROVISIONS

Section 5-1101 Flood-prone areas.
Section 5-1102 Wind energy conversion systems.
Section 5-1103 Off-Street parking.
Section 5-1104 Metal Building Requirements.
Section 5-1105 Officers and employees not liable.

CHAPTER 12

PENALTY

Section 5-1201 Penalty.
Section 5-1202 Relief in the courts.

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101	Building Code adopted.
Section 5-102	Fees, regulations and fines by resolution.
Section 5-103	Penalty.
Section 5-104	Fire limits defined.

SECTION 5-101 BUILDING CODE ADOPTED.

The “International Building Code,” 2006 Edition thereof, as amended by the Building Officials and Code Administrators, International, Inc., 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 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: Adoption of building codes, authorized codes, 11 O.S. Section 14-107; 74 O.S. Section 324.8.

Cross Reference: Mobile Homes, see Part 12, Sections 12-401 35 seq.

SECTION 5-102 FEES, REGULATIONS AND FINES BY RESOLUTION.

The following sections are hereby revised as follows:

1. Town of Kiefer;
2. Applicable fees shall be set by the Town by motion or resolution;
3. Offenses are punishable by fine and imprisonment as provided in Section 1-108 of the Town Code of Ordinances.

SECTION 5-103 PENALTY.

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

SECTION 5-104 FIRE LIMITS DEFINED.

1. The following area within the corporate limits of the Town of Kiefer, Oklahoma, shall embrace and constitute the "Fire Limits" of said Municipality: the area known as the "Downtown" and all areas contracted within the Kiefer Fire Run area.

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

CHAPTER 2

PLUMBING REGULATIONS

Section 5-201	Plumbing Code adopted.
Section 5-202	Grease, oil and sand interceptors.
Section 5-203	Fees, regulations and fines by resolution.
Section 5-204	Plumbers' license.
Section 5-205	Penalty.

SECTION 5-201 PLUMBING CODE ADOPTED.

A certain document, at least one (1) copy of which is on file in the office of the Town Clerk, being marked and designated as "The International Plumbing Code," 2006 Edition thereof, and any revisions or amendments thereto, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Plumbing Code of the Town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with additions, insertions and changes, if any, prescribed in this Chapter.

State Law Reference: Plumbing regulations and licensing, 59 O.S. Sections 1001 et seq.

SECTION 5-202 GREASE, OIL AND SAND INTERCEPTORS.

1. A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in restaurants, hotel kitchens, cafeterias and food processing establishments, and in any bar, lounge, private club or fountain where food is prepared or served, or where dishes, glasses, pots, pans or other kitchenwares are washed, or any other establishment where grease or broken glass can be introduced into the drainage system in quantities that can effect line stoppage or hinder sewage disposal. Grease, oil and sand interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other ingredients harmful to the building's drainage system, the public sewer or the Municipal Sewage Treatment Plant.
2. Interceptors shall not be required for private living quarters or residential dwelling units.
3. All interceptors shall be of a type and capacity as defined in the Town's current adopted Plumbing Code and shall be approved by the Municipal Building Inspector. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be properly inspected following construction, by the Municipal Building Inspector, and shall be privately maintained, at the owner's expense, in continuously efficient operation at all times.

4. An oil separator shall be installed in the drainage system of any establishment where, in the judgment of the Municipal Building Inspector, a hazard exists or where oils or other flammables can be introduced or admitted into the public sewer by accident or otherwise.
5. All garages, filling stations and car washes having car wash racks or facilities shall install combination grit and grease interceptors.
6. All commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent strings, rags, buttons or other materials detrimental to the Municipal Sewer System from passing into the drainage system.
7. Bottling plants shall discharge all processed wastes into an interceptor which will provide for the separation of broken glass or other solids, before discharging liquid wastes into the Municipal Sewer or Storm Drainage Systems.
8. Slaughterhouses shall equip all slaughtering room drains with a separator which shall prevent the discharge of feathers, entrails and other material likely to clog the drainage system.
9. All existing establishments listed in Subsection 1 (above) shall have ninety (90) days from the effective date of this Code of Ordinances to install an improved interceptor or separator. Establishments covered under Subsection 4 (above) will be handled on a case-by-case basis to determine whether an oil separator is required. All establishments covered under Subsection 1 (above), constructed henceforth, shall include an approved interceptor.
10. The Municipal Building Inspector, Utilities Superintendent or Mayor shall have the right of entry during usual business hours, to conduct an inspection of an interceptor or separator.
11. Any person found to be in violation of this Section shall be served with written notice stating the violation and providing seventy-two (72) hours for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event an establishment is cited with a second violation within six (6) months of the first, the time allowed for correction shall be reduced to forty-eight (48) hours. A third citation within six (6) months from the first violation will be cause for the Town to immediately discontinue water service to the establishment, during which time the offender shall correct the violation.

SECTION 5-203 FEES, REGULATIONS AND FINES BY RESOLUTION.

The following sections are hereby revised as follows:

1. Town of Kiefer;

2. Applicable fees shall be set by the Town by motion or resolution;
3. Offenses are punishable by fine and imprisonment as provided in Section 1-108 of the Town Code of Ordinances.

SECTION 5-204 PLUMBERS' LICENSE.

- A. No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber, or a plumber's apprentice unless he is possesses a current and valid license as such from the state.
- B. Bond and insurance requirements of plumbing contractors shall meet the requirements established by State Law.
- C. No person shall practice or engage in the business, trade or occupation of a plumbing contractor, a journeyman plumber or a plumber's apprentice unless he has first registered as such with the Town and paid the annual fee set by the Town Board by motion or resolution.

State Law Reference: State plumbing licenses required, cities may require registration, 59 O.S. Section 1001 et seq.

SECTION 5-205 PENALTY.

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

CHAPTER 3

ELECTRICAL CODE

Section 5-301	National Electrical Code adopted.
Section 5-302	Electricians' license.
Section 5-303	Penalty.

SECTION 5-301 INTERNATIONAL ELECTRICAL CODE ADOPTED.

The International Electrical Code, the 2006 Edition thereof, as amended by the American Standards Association, for the installation of electrical wiring, devices and equipment is hereby adopted as the minimum standard for the installation of all electrical wiring, devices and equipment in the Town, except as otherwise specifically provided in this Chapter. The International Electrical Code is hereby made a part of this Code as fully and to the same extent as if copied here in full, provided that the present or current issue of the International Electrical Code and any subsequent amendments thereto shall be considered as the International Electrical Code as that term is used herein.

SECTION 5-302 ELECTRICIANS' LICENSE.

1. No person shall practice or engage in the business, trade or occupation of an electrical contractor, journeyman electrician or electrician's apprentice unless he holds a current license obtained from the state.
2. Bond and insurance requirements of electrical contractors shall meet the requirements established by State Law.
3. No person shall practice or engage in the business, trade or occupation of an electrical contractor, a journeyman electrician or an electrician's apprentice unless he has first registered as such with the Town and paid the annual fee set by the Town Board by motion or resolution.

State Law Reference: State electrical licenses required, 59 O.S. Sections 1680 to 1696.

SECTION 5-303 PENALTY.

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

CHAPTER 4

GAS PIPING CODE

Section 5-401 Code adopted.
Section 5-402 License.
Section 5-403 Penalty.

SECTION 5-401 CODE ADOPTED.

The “International Fuel Gas Code”, as amended by the National Fire Protection Association, the 2006 Edition thereof, is hereby adopted, incorporated and made a part hereof as if fully set out in this Code, with the insertions, deletions and changes if any prescribed in this Chapter. State licensed plumbing and mechanical contractors and persons authorized to install gas piping under state licensing laws are authorized to do so under this Code.

SECTION 5-402 LICENSE.

- A. It is unlawful for any person to engage in the business of installing gas piping or gas appliances without first obtaining any license required by the State.
- B. Bond and insurance shall be provided by the licensee in such amounts as required by the State.

SECTION 5-403 PENALTY.

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

CHAPTER 5

INTERNATIONAL FUEL GAS CODE

Section 5-501 Persons must comply with Code.
Section 5-502 Penalty.

SECTION 5-501 PERSONS MUST COMPLY WITH CODE.

The “International Fuel Gas Code” as amended is adopted and incorporated herein by reference and shall have full force and effect within this Town. Any violation of these rules and regulations shall be deemed a violation of the Ordinances of the Town and shall be punished accordingly.

State Law Reference: See 52 O.S. Sections 420.1 et seq. for the provisions in State Law.

SECTION 5-502 PENALTY.

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

CHAPTER 6

MOVING BUILDINGS

Section 5-601 Permits required.
Section 5-602 Penalty.

SECTION 5-601 PERMITS REQUIRED.

It is unlawful for any person to move any house or building in, along, across or over, any street or alley in the Town limits without first having obtained a permit from the Kiefer Building Inspector or City Clerk of the Town. The Kiefer Building Inspector or City Clerk shall issue the permit upon approval of the proposed move and proper application of the person for a fee to be set by motion or resolution. The permits are good for a five-day period from date of issue. Any person moving such house or building shall plank all street crossings and sidewalks to prevent damage to the streets and sidewalks or protect them as required by the Town.

SECTION 5-602 PENALTY.

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

CHAPTER 7

MECHANICAL CODE

Section 5-701	Adoption of Mechanical Code.
Section 5-702	Fees, regulations and fines by resolution.
Section 5-703	Mechanical license.
Section 5-704	Penalty.

SECTION 5-701 ADOPTION OF MECHANICAL CODE.

The “International Mechanical Code”, the 2006 Edition thereof, as amended The Building Officials and Code Administrators, International, Inc., is hereby adopted as the Mechanical 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 Mechanical 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. At least one (1) copy of the Code is kept on file in the Town Clerk’s office.

SECTION 5-702 FEES, REGULATIONS AND FINES BY RESOLUTION.

The following sections are hereby revised as follows:

1. Town of Kiefer;
2. Applicable fees shall be set by the Town by motion or resolution;
3. Offenses are punishable by fine and imprisonment as provided in Section 1-108 of the Town Code of Ordinances.

SECTION 5-703 MECHANICAL LICENSE.

- A. No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical journeyman, or a mechanical apprentice unless he has a current and valid license issued by the state.
- B. Bond and insurance requirements of mechanical contractors shall meet the requirements established by State Law.
- C. No person shall practice or engage in the business, trade or occupation of a mechanical contractor, a mechanical journeyman or a mechanic’s apprentice unless he has first registered as such with the Town and paid the annual fee set by the Town Board by motion or resolution.

State Law Reference: State mechanical licenses required, cities may require registration, 59 O.S. Sections 1850.1 et seq.

SECTION 5-704 PENALTY.

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

CHAPTER 8

RESIDENTIAL CODE

Section 5-801	Adoption of International Residential Code.
Section 5-802	Fees, regulations and fines by resolution.
Section 5-803	Residential Code license.
Section 5-804	Smoke Detectors in multi-family residential structures.
Section 5-805	Penalty.

SECTION 5-801 ADOPTION OF INTERNATIONAL RESIDENTIAL CODE.

The “International Residential Code”, 2006 Edition, as amended, is hereby adopted as the Residential Building Code for the Town covering construction, modification, alteration, movement, enlargement, repair, replacement, removal, relocation and demolition of detached one (1) and two (2) family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in heights with separate means of

SECTION 5-802 FEES, REGULATIONS AND FINES BY RESOLUTION.

The following sections are hereby revised as follows:

1. Town of Kiefer;
2. Applicable fees shall be set by the Town by motion or resolution;
3. Offenses are punishable by fine and imprisonment as provided in Section 1-108 of the Town Code of Ordinances.

SECTION 5-803 RESIDENTIAL CODE LICENSE.

- A. No person shall engage in the business, trade or occupation involving or pertaining to family dwellings as shown in Section 5-801 above unless properly licensed by the State of Oklahoma.
- B. Bond and insurance requirements shall be as required under Oklahoma Law.
- C. No person shall operate or conduct business as described herein unless properly permitted by the Town of Kiefer.

SECTION 5-804 SMOKE DETECTORS IN MULTI-FAMILY RESIDENTIAL STRUCTURES.

1. No Building Permit shall be issued for new construction or rehabilitation of any multi-family structure unless the plans for the same include smoke detection devices

and are in full accord with the provisions and requirements contained in the Community's adopted Zoning Ordinance and Subdivision Regulations Ordinance.

2. No Variance from this requirement shall be allowed, and the Municipal Building Inspector shall have the power and duty to prohibit occupancy of structures in violation hereof, until such time as the structure comes into compliance with the requirements of this Section.

SECTION 5-805 PENALTY.

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

CHAPTER 9

PERMITS AND CERTIFICATIONS

Section 5-901	Building Permits.
Section 5-902	Permits and Fees for Electrical Inspections and Services.
Section 5-903	House Moving Permit.
Section 5-904	Pavement Cutting Permits.
Section 5-905	Ditching Permits.
Section 5-906	Permits for Pipes Across Streets.
Section 5-907	Demolition Permits.
Section 5-908	Liquefied Petroleum Gas State Permits.
Section 5-909	Preservation Certificate for Restoration Work.
Section 5-910	Underground Digging Regulations.

SECTION 5-901 BUILDING PERMITS.

- A. No person shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, mobile, modular or manufactured home, or initiate any other construction, without first obtaining a separate Building Permit for each such building or structure from the Office of the Town Clerk-Treasurer. Said Permit shall be in addition to, and separate from, all other requirements for Zoning Clearance Permits, Occupancy Certificates or Certificates of Appropriateness.
1. An applicant for a Building Permit related to the construction, replacement or major repair (more than 50%) of any type of fence in the Town of Kiefer, Oklahoma, shall comply with the following requirements:
 - a. The fence shall be in full compliance with the Town's adopted Zoning Ordinance, including specific references, if any, to setback limitations;
 - b. Any fencing located in front of the main structure shall be no higher than three (3) feet;
 - c. Fencing shall not cause any obstruction to any public right-of-way or drainage easement, excluding utility easements (where fencing shall be placed on either the easement line or the property line, depending on the remaining fence placements in the adjacent lots);
 - d. No fencing shall be allowed to obstruct the sight triangle at intersections or corners.
 2. Non-compliance shall be grounds for non-issuance or revocation of the Permit by the Town Clerk-Treasurer.

- B. No man-made change to improved or unimproved real estate located within a designated "Flood Hazard Area", including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be initiated until a separate Building Permit has been obtained for each such operation from the Office of the Town Clerk-Treasurer.
- C. No mobile, manufactured or modular home shall be placed on improved or unimproved real estate without first obtaining a separate Building Permit for each such home from the Office of the Town Clerk-Treasurer.
- D. Minor repairs of buildings or structures, the cost of which shall not exceed Five Hundred Dollars (\$500.00), may be made without obtaining a Building Permit; provided, that, all plumbing, electrical or mechanical work covered by adopted Model Construction Codes, shall require an appropriate Permit. Construction of accessory buildings under one hundred and fifty (150) square feet in area may also occur without a Building Permit; provided, that, the structure cannot have any water, sewer or electrical hook-ups, and the structure is not to be constructed within any dedicated road or alley right-of-way, or in violation of the Zoning Ordinance.
- E. All applications for Building Permits shall be signed and in writing, upon an official blank form supplied by the Office of the Town Clerk-Treasurer or the Municipal Building Inspector, and shall be submitted to either of said officials, along with the required fee.
- F. Building Permit fees shall be as determined by the Town Board of Trustees, and shall be based primarily upon the Municipal costs incurred in the administration of the Municipal Building Permit System.
- G. The Office of the Town Clerk-Treasurer shall be responsible for the administration of the Building Permit process; provided, that, Building Permit application forms may be obtained from, and submitted to, the Municipal Building Inspector.
- H. Applications for Building Permits shall contain all applicable information required on the Building Permit form, and shall be accompanied by drawings of the proposed work (drawn to scale), showing floor plans, structural details, computations and such additional information as may be required of the applicant by the Office of the Town Clerk-Treasurer, the Municipal Building Inspector, this Code of Ordinances or the Town Board of Trustees.
- I. Upon receipt of a complete Building Permit application and the required fee, the Town Clerk-Treasurer shall immediately turn the application over to the Municipal Building Inspector, who shall review the application to ensure that:
 - 1. The involved land is properly Zoned for the proposed use;

2. Applicable Zoning District provisions (including Floodway and Floodway Fringe District provisions), and any applicable historic preservation provisions, have been met;
 3. Legally-dedicated roadway access is available, and proof of such dedication has been provided;
 4. Adequate and sanitary provisions have been made for utilities, and fire protection is also adequate;
 5. All easements and street right-of-way areas provided in the recorded plat, if any, are not encroached upon; to this end, the builder of any structure located in the Town of Kiefer, Oklahoma, shall, by receipt of the Building Permit, agree to furnish the purchaser(s) of the structure(s) with a survey of the lot(s) and structure(s) thereon, upon completion of construction, indicating compliance with this requirement; said survey shall be signed by a surveyor licensed in the State of Oklahoma;
 6. All other Floodplain Regulations, if applicable, have been met and the required information provided;
 7. Applicable Historic Preservation Regulations have been met; and
 8. All other required Municipal Permits and/or Licenses have been obtained.
- J. Building Permit applications for development, location, demolition or alteration within delineated "Flood Hazard Areas" (as shown on the Community's Official Flood Insurance Rate Map (FIRM), dated _____, which is hereby adopted by reference as if set out fully herein), shall be reviewed by the Municipal Building Inspector to ensure that all of the following requirements are met:
1. All building sites shall be reasonably safe from flooding; if a proposed building site is in a flood-prone area, all new construction and substantial improvement (including the placement of pre-fabricated buildings and mobile homes) shall:
 - a. Be designed, modified and/or adequately anchored to prevent flotation, collapse or lateral movement of the structure; all manufactured housing to be placed within Zone A on the Community's Flood Hazard Boundary Map (FHBM) shall be anchored by providing over-the-top and frame ties to ground anchors; over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate points, and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side; frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side; all components of the anchoring system shall be capable of carrying a force of

four thousand, eight hundred (4,800) pounds; any additions to the home shall be similarly-anchored;

- b. Be constructed with materials and utility equipment resistant to flood damage;
 - c. Be constructed by methods and practices that minimize flood damages; and
 - d. Be constructed with electrical, heating, plumbing, ventilation and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
2. All new and replacement water supply systems within flood-prone areas shall be designed to minimize or eliminate infiltration of flood waters into the systems.
 3. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 4. On-site waste disposal systems within flood-prone areas shall be located to avoid impairment to them, or contamination from them, during flooding.
 5. The Municipal Building Inspector shall utilize all available one hundred (100) year flood elevation data to review Building Permit applications, and shall require that all applications for development within a flood-prone area be accompanied by (1) the elevation of the lowest habitable floor (including basement) of all new or substantially improved structures; and (2) a certificate signed by a registered professional engineer or architect, stating that the flood-proofing methods to be utilized are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood, and indicating the specific elevation to which the structure will be flood-proofed. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and

- c. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that, they permit the automatic entry and exit of floodwaters.
6. All new construction or substantial improvement of residential structures within Zones A1-30 on the Municipality's Flood Insurance Rate Map (FIRM) shall have the lowest floor, including basement, elevated one (1) foot above the level of the one hundred (100) year flood.
7. Within Zones A1-30 on the Municipality's Flood Insurance Rate Map (FIRM), all manufactured housing not in a park or subdivision, all new manufactured housing parks and subdivisions, all expansions to existing manufactured housing parks and subdivisions, and all repairs, reconstruction or improvement of streets, utilities and/or pads in existing manufactured housing parks or subdivisions, shall be located, developed, expanded or improved according to the following criteria :
 - a. All manufactured housing shall be placed, or be capable of being placed, on compacted fill or on pilings, so that the lowest floor of the home will be one (1) foot above the level of the one hundred (100) year flood;
 - b. All lots shall have adequate provisions for surface drainage and access; and
 - c. All manufactured housing to be elevated on pilings shall (a) be placed on lots large enough to, permit steps, (b) provide for piling foundations to be placed in stable or stabilized soils, no more than ten (10) feet apart, and (c) provide for reinforcement of piers more than six (6) feet above ground level.
8. All new construction or substantial improvement of residential structures located within any AO (Area of Shallow Flooding) Zone, as shown on the Municipality's Flood Insurance Rate Map (FIRM), shall have the lowest floor, including basement, elevated above the highest adjacent grade or the crown of the nearest street, one (1) foot above the depth number specified for the area on the Municipality's Flood Insurance Rate Map (FIRM). Within Zone AH or AO, adequate drainage paths around structures on slopes shall be required.
9. All new construction or substantial improvement of nonresidential structures within Zones A1-30 on the Municipality's Flood Insurance Rate Map (FIRM) shall:
 - a. Have the lowest floor, including basement, elevated one (1) foot above the level of the one hundred (100) year flood; or
 - b. Be designed, together with attendant utility and sanitary facilities, so that, below the level of the one hundred (100) year flood, the structure is watertight, with walls substantially impermeable to the passage of water, and

contains structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

10. All new construction or substantial improvement of nonresidential structures within any AO (Area of Shallow Flooding) Zone on the Municipality's Flood Insurance Rate Map (FIRM) shall:
 - a. Have the lowest floor, including basement, elevated above the highest adjacent grade or the crown of the nearest street, one (1) foot above the depth number specified on the Municipality's Flood Insurance Rate Map (FIRM); or
 - b. Be completely flood-proofed, along with attendant utility and sanitary facilities, to one (1) foot above the depth number specified on the Municipality's Flood Insurance Rate Map (FIRM), so that any space below the level is watertight, with walls substantially impermeable to the passage of water, and contains structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - c. Be required to include, within Zones AH or AO, adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
 11. The requirements of this Part shall also be in effect for Building Permit applications for development located within any A99 Zones on the Municipality's Flood Insurance Rate Map (FIRM).
 12. Floodways, as designated on the Municipality's Official Flood Hazard Boundary Map (FHBM), are hazardous areas due to (a) the velocity of flood waters which carry debris and potentially damaging projectiles, and (b) the creation of severe erosion problems; the following provisions apply within designated Floodway areas:
 - a. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by a professional registered engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 - b. If the provisions of Subsection (a) (above) are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Code of Ordinances.
- K. The Municipal Building Inspector shall have the following additional responsibilities in the review of Building Permit applications for development, location, demolition or alteration within a delineated "Flood Hazard Area."

1. Building Permit applications shall be reviewed to ensure that all necessary governmental agency permits required by State or Federal Law have been obtained.
 2. In the case of Building Permit applications for alteration or relocation of a watercourse, the Municipal Building Inspector shall:
 - a. Notify adjacent communities and the State Flood Insurance Coordinating Office prior to such work (and submit copies of such notification to the Federal Flood Insurance Administrator); and
 - b. Obtain written assurances from the Building Permit applicant that the flood-carrying capacity within the altered or relocated portion of the watercourse will be maintained.
 3. For the purpose of determining future Flood Insurance risk premium rates, the Municipal Building Inspector shall maintain records of:
 - a. The elevation of the lowest habitable floor of all new or substantially-improved structures; and
 - b. Flood-proofing certificates (including the specific elevation to which the structures are flood-proofed).
 4. When a regulatory Floodway has not been designated, the Municipal Building Inspector must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the Community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Community.
 5. The Municipal Building Inspector shall utilize the full range of the Community's Floodplain Management Regulations in this review.
- L. Issuance of a Building Permit for development within an identified "Flood Hazard Area" shall not create liability on the part of any Municipal official for any flood damages resulting from reliance upon the provisions of this Section, or any administrative decision lawfully made thereunder.
- M. If the Municipal Building Inspector is satisfied that the proposed work described in the application and attached materials conform to the requirements of the adopted Zoning Ordinance, Building Code and other regulations and requirements, the issuance of the Building Permit shall be authorized by signing the application and forwarding it to the Office of the Town Clerk-Treasurer, who shall return a copy to the applicant.

- N. If the application or attached materials do not conform to pertinent Municipal regulations, the Municipal Building Inspector shall not approve said application, but shall return the application to the Town Clerk-Treasurer, along with written reason(s) for disapproval. The Town Clerk-Treasurer shall return the application, with written reason(s) attached, to the applicant. The applicant may subsequently amend the application, if possible, and re-submit it, or initiate other action to correct the deficiencies.
- O. The Municipal Building Inspector and the Office of the Town Clerk-Treasurer shall complete all required review processes in an efficient and effective manner, without unreasonable or unnecessary delay.
- P. A Building Permit, once approved and issued, shall be construed as authorization to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any Municipal regulations, nor shall such issuance prevent the Municipal Building Inspector from thereafter requiring a correction of errors in plans, construction or a violation of this Code of Ordinances.
- Q. If the work allowed under an issued Building Permit has not been initiated within six (6) months from the issuance date of said Permit, such Permit shall become null and void, unless a request for an extension is submitted to, and approved by, the Town Board of Trustees; such extension request must be submitted to the Town Board prior to the end of said six (6) month period. If said Permit becomes null and void, a new Permit must be obtained and the regular fee incident thereto collected, in order for the work to be initiated or resumed.
- R. The Town Clerk-Treasurer shall keep a permanent and accurate accounting of all Building Permits, and shall transmit copies of each Permit issued to the Municipal Building Inspector, for information purposes. The Town Clerk-Treasurer shall keep a permanent and accurate record of all Building Permit fee payments.
- S. The Town Clerk-Treasurer may revoke a Building Permit in case there has been any false statement or misrepresentation as to a material fact in the application or attached materials on which the Building Permit approval was based.
- T. Building Permits shall be conspicuously displayed on the project or site, in a manner visible from the street.
- U. The Town Clerk-Treasurer and the Municipal Building Inspector shall monitor Municipal utility hook-up requests and shall not allow Municipal utilities to be turned on to any unit, structure or project for which a Building Permit has not been issued.
- V. Appeals from any aggrieved person concerning a decision of the Town Clerk-Treasurer relative to the granting of Building Permits, shall be taken to the Town

Board of Trustees, who shall act as the Permit Board of Appeals for the Town of Kiefer, Oklahoma.

- W. In the event of any conflict between the Building Permit provisions delineated herein and any provision(s) of the Building Code adopted by the Town Board of Trustees, the provisions of this Part shall prevail.

SECTION 5-902 PERMITS AND FEES FOR ELECTRICAL INSPECTIONS AND SERVICES.

1. Electrical work on new buildings or re-modeling work shall require that the office of the Town Clerk-Treasurer issue a Permit for said work, consistent with the requirements of the Town's adopted Electrical Code; said Permit shall be issued upon application, but signed/approved only when the Municipal Electrical Inspector has completed an inspection of said work.
2. The fees for said inspections shall be as determined by Motion of the Town Board of Trustees.

SECTION 5-903 HOUSE MOVING PERMIT.

1. Before any person shall move any house, building or heavier structure (but not including a mobile or manufactured home) on or over any non-Federal or non-State roadway within or through the Town of Kiefer, Oklahoma, it shall first be necessary to obtain a House Moving Permit to do so from the Office of the Town Clerk-Treasurer; said Permit shall first be approved by the Mayor or Acting Mayor.
2. The fee for a Permit to move such house or structure shall be Fifty Dollars (\$50.00). In the event it is necessary to move utility lines, poles, signs or other structures to facilitate the move, the cost therefor will be paid by the applicant, in addition to the normal fee.
3. No Permit shall be issued to any person to move a house or structure unless the person has in effect a bond or a cash deposit with the Town Clerk-Treasurer in the sum of One Thousand Dollars (\$1,000.00), conditioned that the mover will indemnify the owners of any property (public or private, including pavement, curbs, etc.) for any damage thereto resulting from the moving of any house or structure, an holding the Town of Kiefer, Oklahoma, harmless from liability for any such damages.
4. It shall be the duty of the Kiefer Police Chief or his designee to approve or determine the route that may be used and the potential for damages, if any, to any property; such rules and regulations as are necessary to promote any prescribed by the Mayor or Acting Mayor. The mover shall erect all necessary danger signals during the operation of moving.

5. Any person moving any house or any other structure on or over any street or alley, shall be liable (personally and upon bond) for any damage to trees, public property, persons or any matter whatsoever resulting from such moving. This shall not be construed to authorize any person to cut or trim any trees, or commit any injury to any public or private property which cannot be immediately restored to its former condition; no Permit shall authorize any moving under any conditions which will promote such damage.

SECTION 5-904 PAVEMENT CUTTING PERMITS.

1. Any public utility contractor, firm or other person desiring to bore or cut into, or in any manner cross, any public street, alley, sidewalk or public ground of any sort, whether paved, graveled, bricked, blacktopped or not for any purpose whatever, shall first obtain a Pavement Cutting Permit from the Town Clerk-Treasurer to cross or open such street, alley, sidewalk or ground. (Exception to this requirement will be made only when a bona fide emergency exists. In such case, the Municipal Building Inspector or the Mayor shall be notified at the earliest practical time.)
2. On all-weather streets or alleys with bituminous or concrete surface, boring will be required without exception; cutting or ditching will be allowed on all streets or alleys with dirt or gravel surface. If for any reason these requirements cannot be complied with, cutting of a street will be allowed, but shall require the street surface to be replaced with a minimum of six (6) inches of concrete, twenty-four (24) inches wider than the cut or the ditch.
3. When any street, alley, sidewalk or public ground has been crossed for the purposes of laying gas, water or sewage pipe, or for any other purpose, the surface will be restored with similar material and workmanship to that existing in the street, alley, sidewalk or public ground before the same was torn up; all work shall be completed and re-filled to the satisfaction of the Municipal Building Inspector, or a representative, and approval issued as previously stated.
4. Materials used to backfill any opening in a street or alley shall be placed in lifts not to exceed ten (10) inches, and each lift shall be tamped either mechanically or by hand to ninety-five percent (95%) compaction. Six (6) inches of crushed aggregate base material shall be used to fill to the existing surface on all streets and alleys. Openings in concrete surfaces shall be filled with base material to within four (4) inches of the bottom of the slab. The remaining four (4) inches of the opening shall be filled with sand to the bottom of the concrete slab to be replaced. On Major Streets, the thickness of crushed aggregate base material required may vary.
5. In all cases where the surface of the street, alley, sidewalk or public ground is disturbed, the party so cutting into the opening shall place lights at night and maintain suitable barricades at all times to protect persons from danger.

6. Should any person, firm, corporation, contractor or franchise holder with the Town of Kiefer, Oklahoma, fail to comply, said party shall be summoned before the Town Board of Trustees for removal of their License or franchise. Any person not licensed with the Town who fails to comply, shall be fined and required to pay costs of repair plus labor.
7. The fee will be determined by motion of the Town Board of Trustees.

SECTION 5-905 DITCHING PERMITS.

1. It shall be unlawful for any person, firm or corporation to initiate any ditching operation involving any public easement, right-of-way, place, area or building within the Town of Kiefer, Oklahoma, without first obtaining a Ditching Permit from the Office of the Town Clerk-Treasurer; said Permit shall first be approved by the Mayor or Acting Mayor.
2. Such Permit shall be issued only if the applicant meets the following conditions:
 - a. The applicant shall provide a map of the proposed project to the Mayor prior to initiating work; said map shall show, or have placed upon it, all Municipal utility line locations in the project area, and all areas of public easement, right-of-way or places, areas or buildings potentially affected by the proposed project.
 - b. The applicant shall provide written proof that there is full coordination with all other applicable utility companies (telephone, electric, gas and CATV) and complete awareness of the locations of all such lines.
 - c. The applicant shall provide a surety bond (or cash deposit), suitable to the Town of Kiefer, Oklahoma, as to dollar amount and form, to insure that any damages will be repaired; upon completion of the project, the Town of Kiefer, Oklahoma, will review any damage claims and make appropriate arrangements.
 - d. The applicant shall agree, in writing, to maintain proper safeguards, particularly at night.
3. Violation of any of these provisions shall be grounds for revocation of the applicant's Permit at any time.
4. The fee for such Permit shall be determined by motion of the Town Board of Trustees.

SECTION 5-906 PERMITS FOR PIPES ACROSS STREETS.

- A. Oil and gas companies, and other persons, firms and corporations not operating pursuant to a franchise granted by the Municipality or not operating pursuant to a license or permit granted by the State Corporation Commission, shall secure a Permit

from the Office of the Town Clerk-Treasurer before placing, installing, laying, constructing, operating or maintaining any pipe, cable, wire, conduit or line across, over, under, along, through or upon any street, alley, public way or public place within the corporate limits of the Town of Kiefer, Oklahoma; said Permit shall first be approved by the Mayor or Acting Mayor.

- B. The application for the Permit shall specify:
 - 1. The location of the pipe, cable, wire conduit or line; and
 - 2. The privileges and proposed terms which the applicant desires to secure from the Town and to exercise.
- C. If the Permit is granted, the Mayor or Acting Mayor will grant it on written terms which are mutually agreeable. The Mayor or Acting Mayor may revoke said Permit after adequate opportunity for a public hearing, for any of the following reasons:
 - 1. Failure to abide by the terms on which the Permit was granted;
 - 2. Violation of State Law or Municipal Ordinances; or
 - 3. Failure to provide for the protection of the public peace, health, safety or welfare.
- D. The applicant shall pay such fees for such Permit and for its periodic renewal, as the Town Board of Trustees may establish by Motion.
- E. The Mayor or Acting Mayor may refuse to renew a Permit.
- F. The Town Board of Trustees may require an applicant to provide a bond for the protection of the Town and/or the public in such sum and with such terms as said Town Board deems desirable. When the Town Board of Trustees requires such a bond, a Permit shall have no force or effect unless the required bond is also in affect.

SECTION 5-907 DEMOLITION PERMITS.

- A. A Demolition Permit shall be required, in addition to the regular Building Permit, prior to the demolition of any building or part thereof.
- B. Application for Permits to wreck or demolish any building or part thereof, shall be accompanied by a statement in writing by the owner or agent, giving the full name and residence of each of the owners of the building to be demolished, the name and address of the person who is to do the work and any other information which may be required.
- C. In no case shall any wall be taken down more than one (1) story in advance of any other wall.

- D. All material and debris shall be immediately lowered to the ground and shall not be placed on the floors of the building.
- E. The fees for a Permit to wreck a building within the Fire Limits shall be as determined by motion of the Town Board of Trustees for a one (1) story building and as determined by motion of the Town Board of Trustees for each additional story. If outside the Fire Limits, the fees shall also be as determined by motion of the Town Board of Trustees.

SECTION 5-908 LIQUEFIED PETROLEUM GAS STATE PERMITS.

It shall be unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install or repair any system, container, apparatus or appliance to be used for the transportation, storage, dispensation or utilization of liquefied petroleum gas, or to transport, handle or store such gas, unless such person has complied and complies with, all provisions of the State Law and local Ordinances relating thereto, and has any Permit which may be required by State Law.

SECTION 5-909 PRESERVATION CERTIFICATE FOR RESTORATION WORK.

- A. The purposes of issuing a Preservation Certificate are to make all concerned parties aware that all required submittals and approvals have been completed and that the proper Permit may be issued for the start of restoration work.
- B. The Preservation Certificate is required before a Building Permit is issued for any of the following to occur in an Historic District or on a locally-designated Historic Landmark or Historic Site:
 - 1. Demolition of property;
 - 2. Moving of property;
 - 3. Material change(s) such as exterior reconstruction, alteration or color changes other than those approved in the original application; or
 - 4. Building of new structures on property.
- C. The following procedures shall be used for applications:
 - 1. A fee to be determined by motion of the Town Board of Trustees shall be collected by the Office of the Town Clerk-Treasurer.
 - 2. The applicant shall submit for review any sketches, plans, drawings, photos or other information which would clearly show the Preservation Commission what changes will be made.

3. The application shall be filed with the Town Clerk-Treasurer.
4. The Preservation Certificate shall be reviewed by the Preservation Commission in generally the same manner as a re-Zoning application and request.
5. If work authorized by a Preservation Certificate is not begun within sixty (60) days, the Preservation Certificate shall expire and re-application must be made, unless a thirty (30) day extension is granted by the Preservation Commission; no more than two (2) extensions may be permitted on one (1) project.

SECTION 5-910 UNDERGROUND DIGGING REGULATIONS.

1. Definitions and Interpretation: The words, phrases, and terms used in this Part shall have the meanings prescribed by and construed in conformity with the definitions of the same set forth in the Oklahoma Underground Facilities Damage Prevention Act with the same force and effect as if the definitions were set forth in full in this Part unless the context clearly indicates a different meaning or construction.
2. Town as Operator of Underground Facilities, Filing Notice, and Fees: The County Clerk shall maintain a current list of all operators of underground facilities including the Town, upon its notification to the County and payment of fees as prescribed by State Law.
3. Compliance by Excavators Required: No excavator shall demolish a structure, discharge an explosive, or commence to excavate in a highway, street, alley, or other public ground or way, a private easement, or on or near the location of the Town's facilities, without first having complied with the requirements of this Section.
4. Excavator's Bond Required: Upon and at the time of notification to the Town as herein prescribed and prior to proceeding with excavation or any other activity defined in this Code, the excavator shall post a bond in the amount of Five Thousand Dollars (\$5,000.00) with the Town Clerk-Treasurer. Such bond shall assure, in the event of damage to Town facilities, all costs covering materials, supplies, labor, and any other costs attributed to necessary repairs or replacements to the facilities as a result of excavator's activities shall be borne by the excavator causing such damages and necessary repairs and replacements.
5. Notice Prior to Excavation; Exception; Liability: Before an excavator shall demolish a structure, discharge any explosive, or commence to excavate in a highway, street, alley, or other public ground or way, on or near the location of the Town's underground facilities, or a private easement, such excavator shall first notify the Town to determine whether the Town has underground facilities in or near the proposed area of excavation or demolition; except that when an area of the proposed excavation, such excavator need not notify the Town of the proposed excavation; provided, however, that such excavator shall be responsible for damage to the

underground facilities of the Town. Such notice shall be given no more than ten (10) days nor less than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, prior to the commencement of the excavation or demolition.

6. Exception for Emergency: The only exception to this Code shall be when an emergency exists that endangers life, health, or property. Under these conditions, excavation operations may begin immediately providing reasonable precautions are taken to protect underground facilities. The Town must be notified promptly when an emergency requires excavation prior to the location of the underground facilities being marked.
7. Notice to Town; Contents of Notice: Every notice given by an excavator to the Town pursuant to this Section, shall contain, in addition to the bond described under this Code, at least the following information:
 - a. The name of the individual serving such notice;
 - b. The location of the proposed area of excavation or demolition;
 - c. The name, address, and telephone number of the excavator or excavator's company;
 - d. The excavator's field telephone number, if one is available;
 - e. The type, extent, and estimated cost of the proposed work;
 - f. Whether or not the discharging of explosives is anticipated; and
 - g. The date and time when the work is to begin.
8. Standard Color Coding; In interpreting the Town's approximate location of its underground facilities, the excavator shall follow the standard color coding described herein:
 - a. Gas distribution and transmission: high visibility safety yellow;
 - b. Police and Fire Communications: safety alert orange;
 - c. Water Distribution System: safety precaution blue; and
 - d. Sewer Distribution System: safety green.
9. Power Equipment Prohibited; Exception: Powered or mechanized equipment shall not be used directly over marked routes of underground facilities until the precise location of the underground facilities has been determined by the excavator, and then only after the facilities have been exposed and properly protected to avoid damage to

them. If the precise location of the underground facilities cannot be determined by the excavator, the Town shall be notified by the excavator so that the Town can determine, at the excavator's cost, the precise location of the underground facilities prior to continuing excavation or demolition. The only exception to the prohibition to the use of powered or mechanized equipment directly over marked routes of underground facilities shall be for the removal of pavement or masonry, and then only the depth of such pavement or masonry.

10. Demolition of Structures; Exception: In addition to the notice required by this Code, whenever the demolition of a structure is proposed, the Town shall be given at least sixty (60) days' notice of the proposed demolition before the demolition work begins, unless a public agency with jurisdiction in the Town, as defined by State Law, determines that such structure endangers the public health or safety; then the public agency may, in the manner provided by Law, order the immediate demolition of such structure.
11. Notice of Damage; Repairs; Excavator's Duty; Excavator's Liability: When any damage occurs to an underground facility or its protective covering in the Town, the excavator who caused the damage shall notify the Town immediately and wait for Town personnel to be dispatched to the location to affect temporary or permanent repairs. An excavator shall delay any backfilling in the immediate area of the damaged underground facilities until the damage has been repaired by the Town unless otherwise authorized by the Town authorities. Should damage occur that endangers life, health, or property, the excavator responsible for the work shall keep all sources of ignition away from the damaged area and shall take immediate action to protect the public and property and to minimize the hazard until arrival of the Town's personnel or until police or fire officials shall have arrived and taken charge of the damaged area. All costs of repairing or replacing damage to the Town's underground facility or its protective covering shall be borne by the excavator who caused the damage.
12. Property Returned to Original Condition: The excavator shall return to its original condition any structure not demolished, and any and all highways, streets, alleys, or other public grounds or ways, private easements, or any other property subject to notification under this Section. The costs of such restoration shall be borne entirely by the excavator or those authorized by the excavator.
13. Exemption For Certain Public Agencies; Exception: Notwithstanding anything which may be contained in this Section to the contrary, public agencies and their contractors engaged in road building and maintenance work within the public right-of-way, which work is a pre-engineered project, certified project, or routine maintenance shall be exempt from the provisions of this Section; except that all services or utilities provided by the Town to such public agency shall be paid for by the public agency at the same rate as that charged the public for such service or utility.

CHAPTER 10

SIGNS

Section 5-1001	Billboard signs.
Section 5-1002	Temporary/portable signs.

SECTION 5-1001 BILLBOARD SIGNS.

1. Location Requirements: A minimum spacing requirement between billboard signs shall be required between properly pre-approved billboard signs within the corporate limits of Kiefer, Oklahoma.
 - A. Before the erection of any such signs within the Town of Kiefer, an application must first be made to the offices of the Town of Kiefer, and sign placement approved by the municipality, and a placement fee as established from time to time by the Kiefer Board of Trustees properly paid.
 - B. Billboard signs shall only be permitted along officially designated U.S. Highways and/or highways designated as Oklahoma State Highways.
 - C. The Spacing requirement between billboard signs shall be set at twelve hundred (1,200) feet, applying to either side of the highway, despite which side the billboard is placed, unless specifically waived by the Kiefer Board of Trustees.
2. Intersection Setback: No billboard sign shall be located closer than thirty-five (35) feet from the intersection of any two streets or the intersection of any roadway and railroad tracks. All signs so placed shall be erected in a manner so as not to interfere with the ability of drivers to view traffic signal devices and ongoing traffic.
3. Flashing Signs and Beacon Signs Prohibited: Signs that emit either flashing lights or project either spotlight or concentrated beacon light or beam of light in any manner are strictly prohibited.
4. Sign Height Limitation: No billboard sign or any portion thereof shall exceed twenty-five (25) feet in height, nor shall it exceed sixty (60) feet in length, nor exceed one thousand two hundred sixty (1,260) square feet in total dimensions, including, all facing and boarder trim.
5. Zoning District Requirements: Outdoor/billboard signs may only be located within commercially or industrial zoned districts within the corporate limits of the Town of Kiefer.
6. Building Permit for Billboard Signs Required: Building permits are required prior to sign erection. The contractor or applicant shall submit on forms provided by the Kiefer Building Inspector a building permit for the erection of a billboard sign, along

with construction plans and a plot plan showing the exact location of the planned sign, along with the building permit application.

7. **Inspection Required:** Foundation inspection shall occur whenever the vertical supports for the sign are set, or whenever the sign is attached to an existing structure. Electrical work on any such billboard sign shall be restricted to licensed electricians under a license issued by the Town of Kiefer. Such inspection shall be made when the wiring is complete, and prior to it being covered or concealed. Final inspection shall occur by the Town of Kiefer when the sign is completed.
8. **Permit Fees:** The permit fee for the erection of each billboard sign shall be set in the initial amount One Hundred Fifty Dollars (\$150.00), and as may be from time to time amended by action of the Kiefer Board of Trustees. Such permit fee shall be paid in full at the time of the application for billboard sign erection.
9. **Reinspection Fees:** A fee of Twenty-Five Dollars (\$25.00) shall be charged for each extra trip of the Building Inspector caused by faulty work or work not properly completed as was scheduled for inspection.
10. **Outdoor Highway Advertising Act/Comprehensive Zoning:** All outdoor billboards must be in compliance with Section 1274 et seq. of the Oklahoma Outdoor Advertising Act of 1968, and in compliance with the Kiefer Comprehensive Zoning Code. Any provision of this Ordinance found to be in violation of either the Kiefer Comprehensive Zoning Code or the Oklahoma Outdoor Advertising Act shall be declared unenforceable.

SECTION 5-1002 TEMPORARY/PORTABLE SIGNS.

1. **Portable Signs:** Permits for portable signs shall be allowed for a business for thirty (30) days, by a onetime permit at an initial cost of Thirty Dollars (\$30.00), for up to five (5) signs within the corporate limits of Kiefer. This permit fee may be amended from time to time by the Kiefer Board of Trustees. The Building Inspector with the approval of the Board of Trustees shall be allowed discretion of allowing forth-eight (48) hours temporary to be placed within the Kiefer corporate limits under special circumstances, such as for signs advertising one day events.
2. **A-Frame Signs:** Permits for A-frame signs shall be for a period of one year and shall be required to be renewed annually. They shall be allowed in commercial or industrial zoning districts only. The permit fees for such signs are in the amount of Thirty Dollars (\$30.00) per year, pre-paid to the Town of Kiefer, or as may be modified from time t time by the Kiefer Board of Trustees. A-frame signs shall be anchored sufficiently to withstand high winds and shall be brought indoors daily after dusk. A maximum of one A-frame sign per business is allowed under this ordinance.
3. **Garage Sale/Estate Sale Signs:** Up to five (5) garage sale signs per event, which show the date, name and address and phone number of the seller or individual or

organization conducting the sale may be placed and remain in the corporate limits of Kiefer rights-of-way for a period of seventy-two (72) hours. No such sign shall be permitted that is larger than four (4) square feet. All such signs must be removed at or before the expiration of such time. In the event of any violation of these provisions then the individual or organization advertising the event shall be charged a fee of Ten Dollars (\$10.00) per day for each sign not in compliance. Signs of insignificant value may be disposed of by the Town of Kiefer. The Town of Kiefer shall have the discretion over the placement of such signs within the Kiefer rights-of-way, and shall remove any such sign which is felt to be a visibility hazard, or exceeds the dimension of four (4) square feet.

Such signs may not be placed on utility poles or public structures. Such sign shall clearly state that it is a garage sale or an estate sale. No individual or organization shall be allowed to conduct more than two (2) garage sales within a calendar year.

4. Permit Fees: Permit fees for the erection of garage sale or estate sales shall not be charged.

CHAPTER 11

MISCELLANEOUS PROVISIONS

Section 5-1101	Flood-prone areas.
Section 5-1102	Wind energy conversion systems.
Section 5-1103	Off-Street parking.
Section 5-1104	Metal Building Requirements.
Section 5-1105	Officers and employees not liable.

SECTION 5-1101 FLOOD-PRONE AREAS.

- A. The Planning Commission and the Town Board of Trustees shall review subdivision and other development proposals to determine whether such proposals will be safe from flooding.
- B. If a subdivision or other development proposal is in a flood-prone area, the Planning Commission and the Town Board of Trustees shall ensure that:
 - 1. Such proposals are consistent with the Community's adopted Comprehensive Plan and the need to minimize flood damage;
 - 2. All public utilities and facilities are located and constructed to avoid, minimize or eliminate flood damage;
 - 3. Adequate drainage provisions are made; and
 - 4. Proposals of more than five (5) lots or five (5) acres shall include one hundred (100) year flood elevation data.
 - 5.
- C. Unless specifically defined below, words and phrases used in this Part shall be interpreted to give them the meaning they have in common usage and to give this Part its most reasonable application; these words and terms shall also be consistent with the similarly-used words and terms in the Zoning Ordinance and Subdivision Regulations Ordinance.
 - 1. "Alluvial Fan Flooding" means flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport and deposition and unpredictable flow paths.
 - 2. "Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

3. "Appeal" means a request for a review of the Municipal Building Inspector's interpretation of any provision of the Town's Floodplain Management Regulations or a request for a Variance.
4. "Area of Jurisdiction" means all of the unincorporated land under the jurisdiction of the Town Board of Trustees of the Town of Kiefer, Oklahoma.
5. "Area of Shallow Flooding" means a designated AO, AH or VO zone on the Community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
6. "Area of Special Flood Hazard" is the land in the floodplain within the Community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, AI-99, VO, V1-30, VE or V.
7. "Base Flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
8. "Basement" means any area of the building having its flood subgrade below ground level on all sides.
9. "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.
10. "Development" means any man-made change to improve or un-improve real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving excavation or drilling operations.
11. "Dwelling Unit" means a place of residence and may be a single or multiple-dwelling building.
12. "Elevated Building" means a non-basement building (a) built, in the case of a building in Zones AI-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of water; and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, AO, AH, B,

C, X and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls, with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1- 30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Section 60.3(e) (5) of the National Flood Insurance Program (NFIP) Regulations.

13. "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 the FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures".
14. "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) was completed before the effective date of the Floodplain Management Regulations adopted by the Town of Kiefer, Oklahoma.
15. "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).
16. "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal water, or the unusual and rapid accumulation or runoff of surface water from any source.
17. "Flood Hazard Boundary and Flood Insurance Rate Maps (FHBM/FIRM)" means official maps on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the incorporated areas of the Town of Kiefer, Oklahoma, and are adopted by reference herein; also adopted herein is the Flood Map series prepared for Kiefer, Oklahoma, by FEMA.
18. "Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles and water surface elevations of the base flood, as well as the Flood Hazard Boundary-Floodway Maps.
19. "Floodplain or Flood-Prone Area" means any land area susceptible to being inundated by water from any source (see definition of flooding).

20. "Floodplain Board" means the planning board for Floodplain Management of the Town of Kiefer, Oklahoma, also known as the Municipal Planning Commission.
21. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, Emergency Preparedness Plans, Flood Control Works and Floodplain Management Regulations.
22. "Floodplain Management Regulations" means the Codes, Resolutions and other regulations relating to the use of land and construction within the channel and floodplain areas, including, but not limited to, Zoning Regulations, platting regulations, Building Codes, Housing Codes and open area regulations.
23. "Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
24. "Flood Protection System" means those physical structural works which have been constructed specifically to modify flooding in order to reduce the extent of the areas subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system may typically include tidal barriers, dams, reservoirs, levees or dikes.
25. "Floodway (Regulatory Floodway)" means the channel of a river or other watercourse and its 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.
26. "Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
27. "Habitable Floor" means any floor usable for working, sleeping, eating, cooking or recreation areas, or a combination thereof. (A floor used for storage purposes only is not a "habitable floor".)
28. "Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
29. "Historic Structure" means any structure that is:

- a. Listed individually on the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a District preliminarily determined by the Secretary to qualify as a registered Historic District;
 - c. Individually listed on the Oklahoma Register of Historic Places; or
 - d. 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.
30. “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.
31. “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.
32. “Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that, such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program (NFIP) Regulations.
33. “Manufactured Home” shall be as defined in Part 7 of this Code of Ordinances.
34. “Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
35. “Mean Sea Level” means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum,

to which base flood elevations shown on a Flood Insurance Rate Map (FIRM) are referenced.

36. “New Construction” means, for Floodplain Management Purposes, structures for which the "start of construction" commenced on or after the effective date of the Floodplain Management Regulations adopted by the Town of Kiefer, Oklahoma, and includes any subsequent improvements to such structures. For purposes of determining insurance rates, "start of construction" shall refer to structures for which construction was started on or after the effective date of any initial FIRM or after December 31, 1974, whichever is later, and shall include any subsequent improvements to such structures.
37. “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 Kiefer, Oklahoma.
38. “One-Hundred-Year Flood” means a flood which has a one percent (1%) chance of being equaled or exceeded in any given year, based upon the criteria established by the National Flood Insurance Program (NFIP).
39. “Person” includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
40. “Program” means the National Flood Insurance Program (NFIP), authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4128), as amended.
41. “Recreational Vehicle” means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
42. “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, as long as the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred and eighty (180) days of said Permit date. The actual start means either (1) the first placement of permanent construction for a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or (2) any work beyond the stage of excavation, or (3) the placement of a manufactured home on a foundation. Permanent construction does not include (1) land preparation, such as

clearing, grading and filling, nor does it include (2) the installation of streets and/or walkways, (3) excavation of basements, footings, piers or foundations, (4) the erection of temporary forms, or (5) 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.

43. "Storm Cellar" means a space below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against tornadoes or similar wind storm activity.
44. "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.
45. "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 fifty percent (50%) of the market value of the structure before the damage occurred.
46. "Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State or local Health, Sanitary or Safety Code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the State Register of Historic Places.
47. "Variance" is a grant of relief to a person from the requirements of this Code of Ordinances, when specific enforcement would result in unnecessary hardship. A Variance, therefore, permits construction or development in a manner otherwise prohibited by said Regulations.
48. "Violation" means the failure of a structure or other development to be fully compliant with the Town's Floodplain Management Regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

49. "Water Surface Elevation" means the height, in relation to the National Geodetic vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Cross Reference: Flood-prone Areas, Part 14 Sec. 14-401 this Code of Ordinances.

SECTION 5-1102 WIND ENERGY CONVERSION SYSTEMS.

1. The following definitions are used in this Section, and shall have the meanings shown below:
 - a. "Overspeed Control" means a mechanism used to limit the speed of blade rotation below the design limits of the Wind Energy Conversion System.
 - b. "Site" means the plot of land where the Wind Energy Conversion System is to be placed. The site could be publicly or privately owned (by an individual or a group of individuals controlling single or adjacent properties).
 - c. "Swept Area" means the largest area of the Wind Energy Conversion System which extracts energy from the wind stream. In a conventional propeller-type Wind Energy Conversion System, there is a direct relationship between swept area and the rotor diameter
 - d. "Total Height" means the height of the tower and the farthest vertical extension of the Wind Energy Conversion System.
 - e. "Wind Energy Conversion System (WECS) means a machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The Wind Energy Conversion System includes all parts of the System, and shall be considered as a structure.
2. Building Permit applications for a Wind Energy Conversion System shall be accompanied by a site plan drawn in sufficient detail to clearly describe the following:
 - a. Property lines and physical dimensions of the site;
 - b. Location, approximate dimensions and types of major existing structures and uses on the site;
 - c. Location and elevation of the proposed Wind Energy Conversion System;
 - d. Location of all above-ground utility lines on-site or within a distance radius equal to the total height of the Wind Energy Conversion System;
 - e. Location and size of structures and trees over thirty-five (35) feet in height, which are within a five hundred (500) foot radius of the proposed Wind Energy

Conversion System; for purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures; and

- f. The zoning designation of immediate and adjacent sites.
3. Before a Building Permit may be issued, all requirements of this Section must be met. This Section covers those Wind Energy Conversion Systems whose swept area is one thousand (1,000) square feet or less; for conventional propeller Wind Energy Conversion Systems, this would be approximately thirty-five (35) feet or less in diameter. (Non-electrical windmills used for pumping water may be exempted from the remaining provisions of this Section.)
4. Building Permit applications shall be accompanied by standard drawings of the structural components of the Wind Energy Conversion System, including support structure, tower, base and footings. Drawings and any necessary calculations shall be certified in writing by a registered professional engineer or manufacturer's representative, to show that the System complies with the adopted Building Code. (This certification would normally be supplied by the manufacturer.) Where the structural components or installation vary from the standard design or specification, the proposed modifications shall be certified by a registered professional engineer for compliance with the structural design provisions of the adopted Building Code.
5. Building Permit applications shall be accompanied by a line drawing identifying the electrical components of the System to be installed, in sufficient detail to allow for a determination that the manner of installation conforms to the adopted Electrical Code. The application shall include a statement from a registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with said Electrical Code. (This certification would normally be supplied by the manufacturer.) All equipment and materials shall be used or installed in accordance with such drawings and diagrams. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a registered professional engineer for compliance with the requirements of said Electrical Code and good engineering practices.
6. Each Wind Energy Conversion System must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of possible towers with available rotors. (This certification would normally be supplied by the manufacturer.)
7. Anchor points for guy wires for the Wind Energy Conversion System tower shall be located within property lines and not on or across any aboveground electric

- transmission or distribution lines. The point of ground attachment for the guy wires shall be enclosed by a fence six (6) feet high, or the Wind Energy Conversion System shall be set back from the property line or site parameters the total height of the Wind Energy Conversion System.
8. Towers should have either a tower-climbing apparatus located no closer than twelve (12) feet from the ground, a locked anti-climb device installed on the tower, or the tower shall be completely enclosed by a locked, protective fence at least six (6) feet high.
 9. The Wind Energy Conversion System shall meet the requirements of any existing Municipal Noise Regulations.
 10. The Wind Energy Conversion System shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the Municipal Building Inspector that a Wind Energy Conversion System is causing harmful interference, the operator shall be required to promptly mitigate the harmful interference.
 11. At least one (1) sign shall be posted at the base of the tower warning of electrical shock or high voltage.
 12. The minimum height of the lowest part of the Wind Energy Conversion System shall be thirty (30) feet above the highest existing major structure or any tree within a two hundred and fifty (250) foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures.
 13. The Wind Energy Conversion System shall be located such that the farthest extension of the apparatus does not cross any site lines.
 14. For Wind Energy Conversion Systems which will be interconnected to a utility grid, no wind turbine shall be installed until evidence has been given that the utility company has been notified in writing.
 15. If a Wind Energy Conversion System is not maintained in operational condition for a period of one (1) year and poses a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. If the Town of Kiefer, Oklahoma, determines that the Wind Energy Conversion System has been abandoned and poses a safety hazard, the System shall be removed within forty-five (45) days of written notice to the owner or operator of the System.
 16. The applicant, owner, leasee or assignee shall maintain a current insurance policy which will cover installation and operation of the Wind Energy Conversion System at all times. Said policy shall provide a minimum of Fifty Thousand Dollars (\$50,000) property and personal liability coverage.

SECTION 5-1103 OFF-STREET PARKING.

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

Cross Reference: Subdivision Regulations Ordinance, Part 14 this Code of Ordinances. Parking Regulations Part 17, Article C this Code of Ordinances.

SECTION 5-1104 METAL BUILDING REQUIREMENTS.

In all cases after the date of the publication of this Ordinance where metal buildings are constructed, erected, or re-modeled within the corporate limits of the Town of Kiefer, then such buildings will be constructed with rock, brick, or similar mortar type covering on the front of the building in question. Such facing shall cover the front of such building from its immediate base, then vertical from same for a minimum distance of at least four (4') feet, excluding windows.

In the event that such construction should prove to be unduly burdensome upon the owner of such building, then the owner may petition the Building Inspector of the Town of Kiefer for a variance from such requirement. Any such variance shall first be approved by the Board of Trustees of the Town of Kiefer.

SECTION 5-1105 OFFICERS AND EMPLOYEES NOT LIABLE.

1. Any officer or employee of the Town of Kiefer, Oklahoma, charged with the enforcement of this Part and acting in good faith and without malice, for the Town of Kiefer, Oklahoma, in the discharge of official duties, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act or omission required or permitted in the discharge of such duties.
2. Any suit brought against any officer or employee because of such act or omission performed in the enforcement of any provisions of such Codes may be defended by the Municipal Attorney until the final termination of the proceedings.

CHAPTER 12

PENALTY

Section 5-1201 Penalty.
Section 5-1202 Relief in the courts.

SECTION 5-1201 PENALTY.

Any person who engages in any business, trade or vocation for which a license, permit, certificate or registration is required by this Part, without first having a valid license, permit, certificate or registration as required, or who shall fail to do anything required by this Part or by any code adopted by this Part, or who shall otherwise violate any provision of this Part, or of any code adopted by this Part, or who shall violate any lawful regulation or order made by any of the officers provided in this Part, shall be guilty of an offense, punishable as provided in Section 1-108 of this Code. Each day upon which a violation continues shall be deemed a separate offense.

SECTION 5-1202 RELIEF IN THE 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 mandamus, an injunction, or other appropriate action against such person.

PART 6

OIL AND GAS DRILLING

CHAPTER 1

GENERAL PROVISIONS

Section 6-101	Definitions.
Section 6-102	Municipal Drilling Permit Required; Application Process.
Section 6-103	Permit Fees; Insurance.
Section 6-104	Existing Wells.
Section 6-105	Zoning.
Section 6-106	Annual Renewal Permits.

CHAPTER 2

REGULATORY PROVISIONS

Section 6-201	Regulations.
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CHAPTER 3

PENALTY

Section 6-301	Penalty.
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CHAPTER 1

GENERAL PROVISIONS

Section 6-101	Definitions.
Section 6-102	Municipal Drilling Permit Required; Application Process.
Section 6-103	Permit Fees; Insurance.
Section 6-104	Existing Wells.
Section 6-105	Zoning.
Section 6-106	Annual Renewal Permits.

SECTION 6-101 DEFINITIONS.

The following terms used in this Part are hereby defined to have the meanings set out below:

1. "Circulating Mud Pit" means the working pit from which drilling muds are continuously recirculated during the drilling process into and from the drilling hole, for the purpose of flushing cuttings from the drill bit, and as a lubricant to reduce torque, drag, heat, friction and differential sticking during the drilling process;
2. "Disposal Well" means any well drilled or actually used for injection of salt water or other substances into the earth at a point other or different than the point of extraction or production thereof from the earth;
3. "Mud" means the drilling fluid used and recirculated through the drilling hole as a lubricant to reduce torque, drag, heat, friction and differential sticking and to flush drill bit cuttings from the hold during the drilling process;
4. "Mud Program" means the planned usage of drilling fluid lubricants, specifying with particularity the type, name and physical and chemical composition and characteristics of all ingredients thereof, together with such laboratory and other technical data as may be necessary or required by the Municipal Building Inspector to evaluate the same as pollutive, deleterious or otherwise;
5. "Oil or Gas Well" means and includes any well drilled, operated or maintained for the production of oil gas, casinghead gas or any of them or their by-products or derivatives;
6. "Reserve Pit" means any excavation, pit or receptacle designed or actually used to receive, store or hold rocks, drill bit cuttings, shale, sand, fresh water or drilling mud which contains no salt water, oil, oil derivations, caustics, acids or other deleterious substances harmful to soil, vegetation or injurious to animal or human life;
7. "Slush Pit" means any excavation, pit or receptacle designed or actually used to receive, store or hold waste oil, oil derivatives, sand, salt water or other waste

products or deleterious substances produced or used in the drilling, swabbing, cleaning or re-working of any oil, gas or disposal well.

SECTION 6-102 MUNICIPAL DRILLING PERMIT REQUIRED; APPLICATION PROCESS.

1. Subsequent to the effective date of this Code of Ordinances, it shall be unlawful and an offense for any person or corporation to drill, maintain or operate an oil, gas or disposal well within the corporate limits of the Town of Kiefer, Oklahoma, without first having procured a Municipal Drilling Permit to do so, as hereinafter provided, and without being in compliance with all applicable Ordinances of the Town of Kiefer, Oklahoma.
2. Every person hereafter desiring to drill, maintain or operate an oil, gas or disposal well in the Town of Kiefer, Oklahoma, shall file application therefor, in writing, in the form required by the Town Clerk-Treasurer, signed by the applicant or an agent authorized to sign the same.
3. Such application shall specify the Quarter Section, Township, Range and the location within the Quarter Section thereof so as to identify said well location within a particular ten (10) acre tract.
4. All equipment to be utilized in the drilling, operation or maintenance of said well shall be specified in said application with particularity and the mud program, as that term is defined herein, shall be specified and attached in writing thereto, for approval by the Town Clerk-Treasurer.

SECTION 6-103 PERMIT FEES; INSURANCE.

1. At the time of filing such application above required, such applicant shall pay to the Town Clerk-Treasurer the sum of Eight Hundred and Twenty-Five Dollars (\$825.00) to defray the expenses of inspecting the specified location and drilling operations and, if completed as a producing well, in payment of the annual fee for the initial year of production and operation of said well.
2. Such applicant shall also, at said time, file with the Town Clerk-Treasurer a copy of a policy of insurance issued by some corporate insurer licensed to do business within Oklahoma, evidencing current insurance of the owner, driller, agents and employees, conditioned for the payment of all damages due to injury to persons or damage to property resulting from the drilling, operation or maintenance of the proposed well or any structure, machinery, equipment, pipelines, or appurtenances used in connection therewith, in an amount not less than Two Hundred and Fifty Thousand Dollars (\$250,000.00).

3. Such policy shall contain no exclusion from coverage of contamination of pollution of surface or subterranean streams, watercourses, lakes or public or private water supplies.

SECTION 6-104 EXISTING WELLS.

Owners or operators of oil, gas or disposal wells heretofore drilled and completed within the Town of Kiefer, Oklahoma, shall not be required to procure the initial Municipal Drilling Permit hereinabove provided; however, it shall be incumbent upon such owners and operators to furnish evidence of liability insurance coverage and post the bond for the restoration of the land and plugging of the well upon its abandonment in the form and amount above required for issuance of a Municipal Drilling Permit at the time of application for the Annual Renewal Permit as hereinafter provided, or within sixty (60) days after the effective date hereof, whichever shall first occur, as a condition of continuing the operation and maintenance of any well heretofore drilled and prior to commencing any swabbing, cleaning or reworking operations of all oil, gas and disposal wells heretofore or hereinafter drilled within the Town of Kiefer, Oklahoma. All existing wells shall also comply with all of the following provisions of this Part.

SECTION 6-105 ZONING.

Oil, gas or disposal wells shall be located only in those Zoning Districts which permit such use as provided in the adopted Zoning Ordinance of the Town of Kiefer, Oklahoma.

SECTION 6-106 ANNUAL RENEWAL PERMITS.

Annual Renewal Permits for the operation, maintenance, cleaning, swabbing and reworking of all completed and operating oil, gas and disposal wells, now existing or hereafter drilled, are hereby required, and shall be issued upon payment of One Hundred Dollars (\$100.00) per year and upon the filing of copies of liability insurance policies and the restoration and plugging bond in the form and amount required for the issuance of an initial Drilling Permit and upon proof of renewal of the restoration and plugging bond for the ensuing year. Such annual fee shall be paid, proof of insurance coverage filed, and renewal of said restoration and plugging bond made on the anniversary date of the initial Drilling Permit, or if no such Permit was required or obtained, within sixty (60) days after the effective date hereof.

CHAPTER 2

REGULATORY PROVISIONS

Section 6-201 Regulations.

SECTION 6-201 REGULATIONS.

It shall be unlawful and an offense for any person or corporation to do or permit any of the following, and the same are hereby declared to be a public nuisance:

1. Earthen slush pits, shall not be constructed, maintained or used by any person or corporation at any location within the Town of Kiefer, Oklahoma. All waste oil, salt water, liquid with oil content, gasoline or other waste produced in connection with the drilling, testing, cleaning, swabbing, reworking or operating of any oil, gas or disposal well shall be captured and retained in steel tanks or vessels and transported from the premises to a disposal facility. In no event shall any of such substances be permitted to escape from the premises owned, leased or controlled by the persons carrying on such operations by seepage, overflow or otherwise, nor flow across the surface of the ground, or upon any public way, into any storm or sanitary sewer, drainage ditch, upon any gutter or paving or into any gully, stream or tributary within the Town of Kiefer, Oklahoma. Plastic liners may be required, at the discretion of a majority of the Town Board of Trustees.
2. Earthen reserve pits, as herein defined, which contain no salt water, oil, oil derivatives, caustics, acids or other deleterious substances harmful to soil, vegetation or injurious to animal or human life, shall be allowed to be constructed or used in connection with the drilling, swabbing, cleaning out or re-working of oil or gas wells within the Town of Kiefer, Oklahoma, and the contents thereof need not be transported from the premises to a disposal facility, if the same are leveled and the surface of the ground restored as nearly as possible to its original condition within ninety (90) days after completion of said drilling, swabbing, cleanout or re-working operations.
3. An earthen retaining wall of adequate size for the terrain shall be constructed on the low side of all well sites situated within the Town of Kiefer, Oklahoma, on sloping or unlevel ground. The top of the retaining wall shall be at least as high as the top of the christmas tree or other wellhead connections on any completed well, or at least as high as the ground at the point where surface casing is set in the well when drilling.
4. Storage tanks or other types of tanks containing flammable substances used in connection with any oil, gas or disposal well within the Town of Kiefer, Oklahoma, shall have earthen embankments constructed around them of sufficient size and height to be able to adequately contain one and one-half (1 1/2) times the volume of such tanks in the event of a rupture thereof at the floor of such tank. No drain plugs, openings or siphons shall be placed in the walls or dikes which will permit the escape

of any liquids through the same. In no event shall any such tank be located nearer than one hundred (100) feet to a dwelling or business structure, street or highway within the Town of Kiefer, Oklahoma.

5. No steam, gasoline, natural gas, diesel or other internal combustion engine of any kind shall be operated in conjunction with the drilling or operation of an oil or gas well within two hundred and fifty (250) feet of any dwelling or business structure within the Town of Kiefer, Oklahoma.
6. No oil, gas or disposal well shall be drilled, operated or maintained, nor shall any operations in connection therewith be carried on or conducted, within two hundred and fifty (250) feet of any church, school or hospital building within the Town of Kiefer, Oklahoma.
7. Premises upon which any oil, gas or disposal wells are drilled, operated or maintained shall be kept free of all accumulations of rubbish, litter, unused equipment or materials, excess rotary mud, salt water, waste oil or oil by-products and other waste, insofar as the same may be reasonably done in the conduct of operations covered by this Part.
8. Approved equipment, standard devices and ordinary methods such as are commonly known and used in the oil and gas drilling and producing industry for the safety and protection of property from damage due to drilling and operating activities, shall be used at all locations within the Town of Kiefer, Oklahoma. Failure on the part of any owner, driller or operator to utilize such equipment, devices or methods shall be the basis for injunction thereof by the Town of Kiefer, Oklahoma, or any person affected thereby, in addition to the penalties therefor otherwise provided therein.
9. At least seven hundred and fifty (750) feet of surface casing shall be set in each well after notifications of intention to do so have been given the Oklahoma Corporation Commission, whose representative shall be entitled to inspect the installation thereof and direct the type and amount of cement to be used in cementing the same in the hole.
10. All drilling wells shall be equipped with a mastergate, or its equivalent, adequate blowout preventors, flow lines and valves commensurate with the working pressures involved.
11. That part of the drilling rig adjacent to or facing any lake and situated within one-half (1/2) mile of the normal elevation thereof shall be covered with canvas, sheet metal or other suitable material at all times during drilling operations.
12. Production casing of a size with not less than a four and one-half (4 1/2) inch outside diameter, in good condition, shall be set no higher than the top of the producing formation and cemented with a sufficient amount of cement to obtain a maximum of five hundred (500) feet of annular fillup above the casing. All of such production

casing shall be tested by pressure methods for either drilling the cement plug or perforating, if the cement is not drilled.

13. Upon completion of any flowing well, the wellhead equipment shall have, on the tubing, at least one (1) master-valve plus a flow valve, and a valve on the casing annulus. All wells shall be equipped with flow tubing of a size at least two (2) inches inside diameter extending not less than fifty (50) feet from the top of the lowest producing formation.

14. All disposal wells shall be equipped with at least two (2) inch inside diameter tubing set on a packer and a pressure gauge shall be installed on the casing annulus at all times.

CHAPTER 3

PENALTY

Section 6-301 Penalty.

SECTION 6-301 PENALTY.

Any person, firm or corporation who violates any of the provisions of this Part shall, upon conviction, be fined in a sum not to exceed the limits established in Section 1-108 of this Code of Ordinances. Each day such violation is committed or continues to exist shall constitute a separate offense and be punishable as such. In addition, violation of any of the provisions hereof declared to be a public nuisance shall be a basis for injunction at the suit of the Town of Kiefer, Oklahoma, or at the suit of any person, firm or corporation adversely affected thereby.

PART 7

**MANUFACTURED, MOBILE,
AND MODULAR HOUSING**

CHAPTER 1

GENERAL PROVISIONS

Section 7-101	Purpose.
Section 7-102	Definitions.
Section 7-103	Free-Standing Mobile Homes.
Section 7-104	Non-Residential Mobile Homes or Trailers.
Section 7-105	Minimum Housing Regulations for Mobile and Manufactured Homes.

CHAPTER 2

**MOBILE HOME,
MANUFACTURED HOUSING
AND TRAILER PARKS**

Section 7-201	Permits; Requirements; Procedures; Fees.
Section 7-202	Inspection of Parks.
Section 7-203	Notices, Hearings and Orders.
Section 7-204	Location and Design Considerations for Parks.
Section 7-205	Sewage Disposal for Mobile and Manufactured Home Parks.
Section 7-206	Water Supply for Parks.
Section 7-207	Refuse Disposal for Parks; Insect and Rodent Control.
Section 7-208	Electricity; Exterior Lighting; Fuels; Power Sources.
Section 7-209	Fire Protection.
Section 7-210	Alterations and Additions.
Section 7-211	Damaged or Dilapidated Units.

CHAPTER 3

SUBDIVISIONS

Section 7-301	Subdivisions.
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CHAPTER 4

MODULAR HOUSING

Section 7-401	Treatment of Modular Housing.
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CHAPTER 5

MISCELLANEOUS PROVISIONS

(RESERVED)

CHAPTER 6

PENALTY

Section 7-601 Penalty.

CHAPTER 1

GENERAL PROVISIONS

Section 7-101	Purpose.
Section 7-102	Definitions.
Section 7-103	Free-Standing Mobile Homes.
Section 7-104	Non-Residential Mobile Homes or Trailers.
Section 7-105	Minimum Housing Regulations for Mobile and Manufactured Homes.

SECTION 7-101 PURPOSE.

1. The purpose of this Part is to provide regulations for areas within the corporate boundaries of the Town of Kiefer, Oklahoma, wherein the location and development of manufactured housing, mobile homes, mobile home parks, trailer parks, manufactured and mobile home subdivisions and modular housing units or additions may be safely continued and encouraged.
2. The regulations set forth in this Chapter are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of manufactured housing and mobile home parks and subdivisions, trailer parks and modular housing units and additions.

SECTION 7-102 DEFINITIONS.

For the purpose of this Part, the following terms, words and phrases shall have the meanings indicated hereinbelow:

1. “Buffer Planting Strip” means a visual screening facility, consisting of not less than one (1) row of shrubbery spaced not more than eight (8) feet apart, which will grow to a height of not less than twelve (12) feet in less than five (5) years, under normal circumstances; such a strip may, as an alternative, consist of an earthen berm or solid fencing, or any combination of earthen berm, fencing and/or landscaping, all of which shall total at least eight (8) feet in height.
2. “Greenbelt Planting Strip” means a landscaped area , not less than twenty (20) feet in width, used along all subdivision boundaries; such Greenbelt Planting Strip shall be composed of
 - a. one (1) row of deciduous and/or evergreen trees , spaced not more than forty (40) feet apart;
 - b. not less than three (3) rows of shrubs, spaced not more than thirty (30) feet apart; and

- c. not less than three (3) rows of shrubs, spaced not more than eight (8) feet apart, all of which shrubs must eventually be capable of growing to at least four (4) to six (6) feet in height.
- 3. “Health Official” means the Municipal Building Inspector or the legally-designated Health Authority of the Town of Kiefer, Oklahoma (or an authorized representative), or the authorized representative of the Creek County Health Department or the State Department of Health.
 - 4. “Manufactured Housing” means a dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. The three (3) types of manufactured housing are defined as meeting all of the requirements listed below, and are to be considered separate from mobile or modular housing:
 - a. Type I Manufactured Housing shall:
 - i. Have more than one-thousand (1,000) square feet of occupied space in a typically double-section or larger multi-section unit, with a minimum width of twenty (20) feet;
 - ii. Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the Town's Foundation Code or other adopted foundation requirements, and the manufacturer's specifications;
 - iii. Utilize a permanent perimeter enclosure skirting, in accordance with Municipally-approved installation standards;
 - iv. Have wheels, axles and hitch mechanisms removed;
 - v. Have all utilities connected, in accordance with the appropriate Municipal Codes and the manufacturer's specifications;
 - vi. Have siding material of a type customarily used on site-built residences in the Community and neighborhood;
 - vii. Have roofing material of a type customarily used on site-built residences in the Community and neighborhood;
 - viii. Have a one-hundred (100) square foot (minimum) attached, covered and/or enclosed parking garage, which is compatible with other housing in the immediate area; all parking and driveway areas shall be hard-surfaced;
 - ix. Have a legitimate front and rear door;

- x. Have a minimum eave width of six (6) inches; and
 - xi. Have a maximum age of ten (10) years, or newer.
- b. Type II Manufactured Housing shall:
- i. Have more than seven hundred and twenty (720) square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units);
 - ii. Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the Town's Foundation Code or other adopted foundation standards, and the manufacturer's specifications;
 - iii. Utilize a permanent perimeter enclosure, in accordance with Municipally-approved installation standards;
 - iv. Have wheels, axles and hitch mechanisms removed;
 - v. Have utilities connected in accordance with appropriate Municipal Codes and the manufacturer's specifications;
 - vi. Have siding material of a type customarily used on site-built residences in the Community and neighborhood;
 - vii. Have roofing material of a type customarily used on site-built residences in the Community and neighborhood;
 - viii. Have a one-hundred (100) square foot (minimum) attached, covered and/or enclosed parking garage, which is compatible with other housing in the immediate area; all parking and driveway areas shall be hard-surfaced;
 - ix. Have legitimate front and rear doors;
 - x. Have a minimum eave width of six (6) inches; and
 - xi. Have a maximum age of ten (10) years, or newer.
- c. Type III Manufactured Housing shall:
- i. Have more than four hundred (400) square feet of occupied space, in a single, double, expando or multisection unit (including those with add-a-room units);
 - ii. Be placed onto a support system, in accordance with Municipally-approved installation standards;

- iii. Be enclosed with foundation siding or skirting, in accordance with municipally-approved installation standards;
 - iv. Be anchored to the ground, in accordance with the manufacturer's specifications and the Town's appropriate, adopted Code;
 - v. Have utilities connected, in accordance with appropriate Municipal requirements and the manufacturer's specifications; and
 - vi. Have a maximum age of ten (10) years, or newer.
5. "Mobile Home" means any single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbed or other trailers (both highway and rail) and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and similar operations.
6. "Mobile Home, Dependent" means any mobile home which does not have a flush toilet and a bath or shower. For purposes of this Part, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified.
7. "Mobile Home, Free-Standing" or "travel trailer" shall mean any mobile home or travel trailer not located in a mobile home park or travel trailer park respectively, licensed by the Town of Kiefer, Oklahoma, or in an approved mobile home subdivision.
8. "Mobile Home Park" means any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
9. "Mobile Home Space" means any plot of ground within a mobile home park or subdivision designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.
10. "Mobile Home Subdivision" means any subdivision designed and intended for residential use, where residence is in mobile homes or manufactured housing exclusively, and lots are sold for occupancy.
11. "Modular Home" means any factory fabricated, transportable building unit, not built upon a permanent chassis, designed to be used by itself or to be incorporated with similar units on a permanent foundation; the term is intended to apply to major assemblies and does not include prefabricated sub-elements incorporated into a structure at the site, nor does it include any type of "manufactured housing," as defined herein; any "modular home" must meet United States Government "modular home" certification standards (See Chapter 4, this Part).

12. "Non-Residential Mobile Trailer" means any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale (as indicated by a clearly displayed sign on or near the trailer).
13. "Public Water or Sewer System" means any such system built and owned by, or dedicated to and accepted by, or operated in cooperation with the Town of Kiefer, Oklahoma; all other such systems shall be deemed private systems.
14. "Travel Trailer" means all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational and vacation use. For purposes of this Part, a "dependent mobile home" shall be considered to be the same as a travel trailer, unless otherwise specified.

SECTION 7-103 FREE-STANDING MOBILE HOMES.

1. No free-standing mobile home or travel trailer shall be permitted within the corporate limits of the Town of Kiefer, Oklahoma, unless it is being offered for sale or parked for storage, or located within an appropriate Zoning District which permits such free-standing location.
2. Except for mobile homes or travel trailers within regular commercial mobile home or travel trailer sales lots, each such free-standing mobile home or travel trailer offered for sale, must be clearly marked as such, and shall not be occupied for either living or sleeping purpose.
3. A property owner shall not store, nor permit to be stored, more than one (1) travel trailer on a residential lot; such travel trailer shall not be stored in any required front or side yard or public utility easement, nor shall such travel trailer project beyond the front of any building.

SECTION 7-104 NON-RESIDENTIAL MOBILE HOMES OR TRAILERS.

1. Non-residential mobile homes or trailers shall not be permitted in the Town of Kiefer, Oklahoma, unless a Temporary Permit for operation, valid for a period of twelve (12) months, is issued by the Municipal Building Inspector; such Permit shall specify the permitted use of the non-residential mobile home or trailer, the location of such operation and the termination date of the Permit, and shall only be issued under terms of this Code of Ordinances and the adopted Zoning Ordinance of the Town of Kiefer, Oklahoma.
2. No Permit shall be issued for a use which would violate any local, State or Federal Ordinance, Law or regulation.

3. An annual fee of twenty dollars (\$20.00) shall be charged for each non-residential mobile home or trailer Permit.
4. Operation of non-residential mobile homes or trailers by contractors or construction projects for which Building Permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project.
5. This Section shall not be construed as permitting or authorizing the permanent location of any non-residential mobile home or trailer within the corporate limits of the Town of Kiefer, Oklahoma, in conflict with any adopted Zoning Ordinance of said Town.

SECTION 7-105 MINIMUM HOUSING REGULATIONS FOR MOBILE AND MANUFACTURED HOMES.

1. Every manufactured house or mobile home located in either a mobile home park, a mobile home subdivision or as a free-standing home, shall meet the provisions of the adopted Housing Code of the Town of Kiefer, Oklahoma, except as otherwise provided in this Section, or as may be otherwise provided in other provisions of this Code of Ordinances.
2. Every manufactured or mobile home shall contain a minimum gross floor area of habitable space of:
 - a. Eight hundred (800) square feet, (first two occupants);
 - b. One hundred (100) additional square feet for the 3rd occupant; and
 - c. Seventy-five (75) square feet additional for each additional occupant thereafter.
3. Habitable space in a mobile or manufactured home shall have a minimum ceiling height of seven (7) feet over fifty percent (50%) of the floor area; the floor area where the ceiling height is less than five (5) feet shall not be considered in computing minimum gross floor area.
4. A mobile or manufactured home shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.
5. Rooms occupied for sleeping purposes must contain at least sixty (60) square feet of floor space if used by more than one (1) person, and at least forty (40) square feet if used by one (1) person.
6. Dependent manufactured or mobile homes shall not be required to have a flush toilet, bath or shower.

7. The Housing Code shall not apply to travel trailers insofar as floor area, flush toilet, bath or shower ceiling height is concerned.

CHAPTER 2

MOBILE HOME, MANUFACTURED HOUSING AND TRAILER PARKS

Section 7-201	Permits; Requirements; Procedures; Fees.
Section 7-202	Inspection of Parks.
Section 7-203	Notices, Hearings and Orders.
Section 7-204	Location and Design Considerations for Parks.
Section 7-205	Sewage Disposal for Mobile and Manufactured Home Parks.
Section 7-206	Water Supply for Parks.
Section 7-207	Refuse Disposal for Parks; Insect and Rodent Control.
Section 7-208	Electricity; Exterior Lighting; Fuels; Power Sources.
Section 7-209	Fire Protection.
Section 7-210	Alterations and Additions.
Section 7-211	Damaged or Dilapidated Units.

SECTION 7-201 PERMITS; REQUIREMENTS; PROCEDURES; FEES.

1. It shall be unlawful for any person to construct, maintain or operate any mobile home, manufactured housing or travel trailer park within the corporate limits of the Town of Kiefer, Oklahoma, unless he holds a valid Permit issued annually by the Municipal Building Inspector and the Health Official of the Town of Kiefer , Oklahoma, in the name of such person for the specific park, except that the maintenance or operation of an existing park on the effective date of this Part may be continued under a Temporary Permit for such period of time and under such conditions as are hereinafter described.
2. Application shall be made to the Municipal Building Inspector acting jointly with the Health Official, in writing, within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any such park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park.
3. Application for original Permits shall be in writing, signed by the applicant , and shall contain the following:
 - a. Name and address of the applicant;
 - b. The interest of the applicant in, and the location and legal description of, the park;
 - c. A complete Site Plan of the park, showing compliance with all applicable provisions of this Part and regulations promulgated thereunder; and

- d. Such further information as may be requested by the Health Official and/or Municipal Building Inspector.
4. Applications for renewals of Permits shall be made, in writing, by the holder of the License and shall contain the following:
 - a. Any change in the information submitted since the time the original License was issued, or the latest renewal granted; and
 - b. Other information requested by the Health Official and/or Municipal Building Inspector.
5. A complete Site Plan, for the purpose of obtaining a Permit, shall show:
 - a. The area and dimensions of the tract of land;
 - b. The number, locations and size of all mobile home, manufactured home or travel trailer spaces;
 - c. The location and width of roadways, walkways, buffer strips and recreational areas;
 - d. The location of service buildings and other proposed structures;
 - e. The location and size of utility lines and treatment facilities; and
 - f. Plans and specifications of all buildings and other improvements constructed, or to be constructed, within the park.
6. Whenever the Health Official and/ or Municipal Building Inspector finds conditions existing in violation of this Part, or of any regulation adopted pursuant thereto, notice shall be given, in writing, to the person to whom the Permit was issued, that, unless such conditions or practices be corrected within a reasonable period of time (specified in the notice), the Permit will be suspended. At the end of such period, not to exceed ninety (90) days, the Health Official and/or Municipal Building Inspector shall re-inspect such park, and, if such conditions or practices have not been corrected, the Permit shall be suspended and notice given, in writing, of such suspension to the person to whom the Permit was issued and/or the person managing, or in charge of, the park. Upon receipt of notice of suspension, such person shall cease operation of such park, except as may be provided hereinafter.
7. Any person whose Permit has been denied or suspended, or who has received notice from the Health Official and/ or Municipal Building Inspector that a Permit will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the Town Board of Trustees or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance);

provided, that, when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such Permit shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.

8. Mobile home and travel trailer parks in existence upon the effective date of this Part, which have concrete pads indicating the location of mobile home, manufactured home or travel trailer spaces, need not comply with those Sections of this Part which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of this Part.
9. The Town Clerk shall charge and collect for each mobile home, manufactured home and/or travel trailer park a Permit or Temporary Permit fee of Two Dollars and Fifty Cents (\$2.50) per space. The initial Permit or Temporary Permit shall expire no later than one (1) year from the date of issue, unless renewed upon such conditions as the Town Board of Trustees may, by Ordinance, direct.

SECTION 7-202 INSPECTION OF PARKS.

1. The Health Official and the Municipal Building Inspector are hereby authorized and directed to make inspections to determine the condition of mobile home, manufactured home and travel trailer parks within the Town of Kiefer, Oklahoma, in order to perform their duty of safeguarding the health and safety of occupants of such parks and of the general public.
2. The Health Official and Municipal Building Inspector shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions relating to the enforcement of this Part or of regulations promulgated thereunder.
3. The Health Official and Municipal Building Inspector shall have the power to inspect the register containing a record of all homes and occupants using the park.
4. It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such mobile home, manufactured home or travel trailer park, or their premises, at reasonable times for the purpose of making, ordering or inspecting such repairs or alterations as are necessary to effect compliance with this Part, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this Part.

SECTION 7-203 NOTICES, HEARINGS AND ORDERS.

1. Whenever the Health Official or Municipal Building Inspector determines violations of pertinent regulations are found to exist, the licensee, permittee or the person(s)

managing, or in charge of, the park shall be notified of such alleged violations. Such notice shall:

- a. Be in writing;
 - b. Include a statement of the reasons for its issuance;
 - c. Contain an outline of remedial action, which, if taken, will effect compliance with provisions of this Part and other pertinent regulations;
 - d. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and
 - e. Be served upon the owner, an agent, operator or the person in charge of the park, as the case may require; provided, that, such notice or order shall be deemed as properly served upon said owner or agent when a copy thereof has been sent by certified mail to the last known address.
2. Any person affected by any notice issued under this Part or resulting regulations, may request and shall be granted a hearing on the matter before the Town Board of Trustees, acting as a Board of Appeals, or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance); provided, that, such person shall file with the Municipal Building Inspector a written request for such hearing, setting forth briefly the grounds for such request, within ten (10) days after the day notice was served. The filing of such request shall stay the notice of suspension of Permits, except in cases of orders issued under Subsection 5, below. The hearing shall be held at the next meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the Municipal Building Inspector determine that sufficient cause for such delay exists.
 3. After such hearing, the Health Official or Municipal Building Inspector shall compile the findings of the Town Board or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance) as to compliance with this Part and pursuant regulations, and shall issue an order, in writing, sustaining, modifying or withdrawing the prior notice which shall be served as provided in Subsection 4 (below). Upon failure to comply with such order, the Permit of the park shall be revoked.
 4. Any person aggrieved by the decision of the Town Board of Trustees or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance) may seek relief in District Court.
 5. Whenever the Health Official or Municipal Building Inspector finds that an emergency exists which requires immediate action to protect health, without notice or hearing, an order may be issued reciting the existence of such an emergency and requiring that such action be taken as may be deemed necessary to meet the emergency, including the suspension of the Permit. Notwithstanding any other

provisions of this Part, such order shall be effective immediately. Any person to whom such an order is directed, shall comply therewith immediately, but upon petition to the Town Board of Trustees or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance), shall be afforded at the next Regular Meeting, even if the agenda has been completed. The provisions of Subsections 3 and 4 (above) shall be applicable to such hearing and the order issued thereafter.

SECTION 7-204 LOCATION AND DESIGN CONSIDERATIONS FOR PARKS.

1. Parks shall be of three (3) types: (a) mobile and manufactured home parks, (b) travel trailer parks and (c) mixed mobile/manufactured home and travel trailer parks. No travel trailer shall be located in a mobile or manufactured home park. No mobile or manufactured home shall be located in a travel trailer park. In a mixed park, separate areas shall be reserved for each type of home and for travel trailers; no mobile or manufactured home shall be permitted in the travel trailer sector; no travel trailer shall be permitted in the mobile or manufactured home sectors.
2. All parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.
3. The minimum area of any park shall be five (5) acres. Parks in existence on the effective date of this Part can continue to operate with less than five (5) acres area; however, if the park is to be expanded, it must at that time expand to include at least five (5) acres.
4. Intensity of development shall be limited to no more than eight (8) homes per gross acre for a mobile or manufactured home park and no more than fifteen (15) travel trailers per gross acre for a travel trailer park. (Area used for sewerage treatment facilities shall not be included in density computations.) Mobile and manufactured home spaces shall be at least fifty (50) feet wide where pads are closest to driveways. Travel trailer spaces shall be at least twenty-five (25) feet wide where travel trailers are located closest to the driveway.
5. Every space shall be clearly defined. All homes and travel trailers shall be parked in such spaces, so that, at the nearest point, they shall be ten (10) feet from the service road, twelve and one-half (12 1/2) feet from the rear lot and at least twelve and one-half (12 1/2) feet from the boundary line of any other individual spaces, as well as any other home or travel trailer.
6. It shall be unlawful to locate any home or travel trailer less than twenty-five (25) feet from any public street or highway right-of-way, or so that any part of such home or travel trailer will obstruct any roadway or walkway of such park.
7. It shall be unlawful to permit a mobile or manufactured home to occupy a travel trailer space, a travel trailer to occupy a mobile or manufactured home space and for

any mobile or manufactured home or travel trailer to be located in a park unless in a space designated specifically for that type of home or trailer.

8. All mobile and manufactured home spaces shall abut upon a sealed-surface driveway of not less than twenty (20) feet in width, if on-street parking is prohibited, and twenty-six (26) feet in width, if on-street parking is permitted on one (1) side of the street only. Driveways must have unobstructed access to a public street or highway.
9. In all parks existing on the effective date of this Part, parking on or adjacent to the street within the park is permissible as long as it does not obstruct free movement of traffic. Whether or not a safety hazard exists is a question to be determined by the Planning Commission, with final appeal to the Town Board of Trustees. If, upon final appeal before said Town Board, it is determined that a safety hazard does in fact exist, the park concerned will be required to comply with the following provisions:
 - a. In new mobile or manufactured home parks, at least two (2) clearly-defined parking spaces will be provided for each space either on or adjacent to the space.
 - b. In new travel trailer parks, at least one (1) clearly-defined parking space shall be provided for each space either on, or adjacent to, the space.
10. All roadways within a park shall meet road improvement standards consistent with the Town's standards, or State Law for private roads, as contained in the Town's adopted Subdivision Regulations Ordinance.
11. In developed areas of the Town, new parks must abut, and have their major means of ingress and egress on, a thoroughfare of appropriate classification.
12. All parks shall have and maintain a buffer planting strip along all park boundaries not bordering a street.

SECTION 7-205 SEWAGE DISPOSAL FOR MOBILE AND MANUFACTURED HOME PARKS.

1. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, laundries and other buildings within the park, shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system, of such construction and in such manner as approved by the Oklahoma State Department of Health and in accordance with all applicable Ordinance, Codes and regulations of the Town of Kiefer, Oklahoma.
2. Each home space shall be provided with at least a three (3) inch sewer connection at least four (4) inches above the surface of the ground. The sewer connection should be protected by a concrete collar at least four (4) inches thick and have a minimum outside diameter of twenty-four (24) inches. Connection between the home drain and the sewer must be watertight and self draining. Homes with fixtures from which back-

- siphonage may occur shall be connected to the park's water system until the defect has been corrected.
3. In the event that a public sewer system is, or becomes available, within three hundred (300) feet of a park, connection must be made to the public system within one hundred and eighty (180) days of notification by Municipal officials.
 4. The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluent from sewage treatment facilities shall not be discharged into the watershed of any Municipal Lake, or any other waters of the State. The disposal facilities shall be located where they will not create a nuisance or health hazard to the park or to the owner or occupants of any adjacent property. The Oklahoma State Department of Health must approve the type of treatment proposed and the design of any disposal facilities and sewer systems, prior to construction.
 5. Every mobile or manufactured home occupying a park space shall tie onto the park sewerage system and shall dump any accumulated wastes into the system. Every travel trailer shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma State Department of Health. Any other dumping of accumulated waste within the Town of Kiefer, Oklahoma, is prohibited.
 6. The monthly sewer charge shall be as indicated in Chapter 19 of this Code of Ordinances.
 7. Sewer connections shall be watertight. Park licensees shall maintain trailer and home connections to sewer and water systems in good condition and shall assume responsibility for sewerage or water leakage on park premises.
 8. No sewer connections shall be made to travel trailer spaces.

SECTION 7-206 WATER SUPPLY FOR PARKS.

1. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred and fifty (250) gallons per day, per space. Where a public supply of water of such quality is available, within three hundred (300) feet, or becomes available within three hundred (300) feet, connection shall be made thereto within one hundred and twenty (120) days of written notification by Municipal representatives, and its supply shall be used exclusively. Where private water supplies must be developed, the Health Official must approve the location, construction and development of the water well, pipe system and connections. No private source other than a water well shall be used.
2. The water system of the park shall be connected by pipes to all buildings and all spaces. Each home shall be provided with a cold water tap at least four (4) inches

above the ground. An adequate supply of hot water shall be provided at all times in the service buildings.

3. All water piping shall be constructed and maintained in accordance with State and local Law. The water piping system shall not be connected with non-potable or questionable water supplies, and shall be protected against the hazards of backflow or back-siphonage. All water connections shall be weathertight.
4. Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the Health Official.
5. Individual water-service connections which are provided for direct use by homes or travel trailers shall be of such construction so that they will not be damaged by the parking of such homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all home or travel trailer connections.
6. Provisions shall be made within one-hundred and fifty (150) feet of each travel trailer space to supply water for travel trailer reservoirs.
7. No well-casing, pumps, machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface. All floors shall be watertight and sloped from the pump pedestal to the drain, and floors shall extend at least two (2) feet from the well in all directions. The pedestal shall not be less than twelve (12) inches above the floor. This shall not be construed as prohibiting submersible pumps.
8. All water storage reservoirs shall be watertight, and of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.
9. Underground stop and waste-cocks shall not be installed on any connection.
10. No private water well shall be permitted within the Town of Kiefer, Oklahoma, for park use, except as may be otherwise permitted by Ordinances of the Town of Kiefer, Oklahoma; provided, that, private wells may be used if the Town does not provide a Municipal Water System.
11. No water connections shall be made to travel trailer spaces.

SECTION 7-207 REFUSE DISPOSAL FOR PARKS; INSECT AND RODENT CONTROL.

1. The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident or fire hazards, or air pollution.
2. All refuse shall be stored in fly-tight, watertight and rodent-proof containers, which shall be located within one hundred and fifty (150) feet of any home or travel trailer space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.
3. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designated as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.
4. All refuse shall be collected at least once weekly, or as otherwise required by the Health Official. Where Municipal garbage collection is not available, the park operator shall either employ a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
5. Where Municipal or other private disposal service is not available, the park operator shall dispose of the refuse by transporting to an approved disposal site, as directed by the Health Official. Refuse shall be buried only at locations and by methods approved by the Health Official, and in accordance with the Ordinances of the Town of Kiefer, Oklahoma.
6. When Municipal refuse disposal service is available, it must be used.
7. Insect and rodent control measures to safeguard public health, as required by the Health Official, shall be applied in the park.
8. Effective larvicidal solutions may be required by the Health Official for fly or mosquito-breeding areas which cannot be controlled by other, more permanent measures.
9. The Health Official may require the park operator to take suitable measures to control other insects and obnoxious weeds.
10. Accumulations of debris which may provide harborage for rodents shall not be permitted in the park.

11. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the Health Official, to exterminate them.

SECTION 7-208 ELECTRICITY; EXTERIOR LIGHTING; FUELS; POWER SOURCES.

1. An electrical outlet supplying at least one hundred and ten (110) volts shall be provided for each home space. The installation shall comply with all applicable State and local Electrical Codes and Ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. Plug receptacles shall also be grounded and weatherproofed. No power supply line shall be permitted to lie on the ground, and no main power line shall be suspended less than eighteen (18) feet above the ground, unless otherwise approved by the Municipal Building Inspector.
2. Streets and driveways within all park shall be lighted with street lights meeting the current standards of the Illuminating Engineering Society or one-half (1/2) candlepower, whichever is higher.
3. All piping from outside fuel storage tanks or cylinders to mobile or manufactured homes shall be of acceptable material, as determined by the Municipal Building Inspector, and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the home or less than five (5) feet from any home exit. All such installations shall meet the requirements of applicable, adopted Codes.
4. All power used for residential or non-residential purposes within the park shall be derived from electricity, natural gas or solar energy sources.

SECTION 7-209 FIRE PROTECTION.

1. Park areas shall be kept free of litter, rubbish and other flammable materials.
2. Where the water supply system does not provide at least six (6) inch water mains, there shall be provided a two (2) inch, frost-protected water riser within three hundred (300) feet of each home or building.
3. Fires shall be made only in stoves and other cooking and/or heating equipment intended for such purposes.

SECTION 7-210 ALTERATIONS AND ADDITIONS.

1. All plumbing and electrical alterations or repairs in the park shall be made in accordance with applicable local regulations.

2. Skirting of mobile homes is required, but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.
3. A Building Permit issued by the Town Clerk shall be required before any construction on a mobile or manufactured home space or any structural addition or alteration to the exterior of a home takes place. No construction, addition or alteration to the exterior of a home located in a park shall be permitted unless of the same type of construction or materials as the home affected. All construction, additions or alterations shall be in compliance with applicable local and State Laws.
4. No structure, other than a mobile home and/or one (1) storage shed, of no more than six hundred and forty (640) cubic feet, shall be permitted on a mobile home space.

SECTION 7-211 DAMAGED OR DILAPIDATED UNITS.

Wrecked, damaged or dilapidated mobile homes and travel trailers shall not be kept or stored in a mobile home park or travel trailer park. The Municipal Building Inspector or the Health Official shall determine if a mobile home or travel trailer is damaged or dilapidated to a point which makes said mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises.

CHAPTER 3

SUBDIVISIONS

Section 7-301 Subdivisions.

SECTION 7-301 SUBDIVISIONS.

1. Manufactured housing and mobile home subdivisions shall comply with the adopted Subdivision Regulations Ordinance and Zoning Ordinance (if adopted) of the Town of Kiefer, Oklahoma, except as otherwise provided herein.
2. The minimum size of such a subdivision shall be five (5) acres.
3. No residences except mobile and/or manufactured homes shall be permitted in such a subdivision.
4. Minimum effective lot widths in said subdivision shall be fifty (50) feet, measured at the front building line, and minimum lot areas shall be five thousand (5,000) square feet, consistent with the adopted Zoning Ordinance; provided, that, at least a ten (10) foot side yard shall be provided on each lot beyond any home and additions thereto, and further provided, that, in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the Health Official on the basis of safe and sanitary sewer service. The effective lot width of a mobile or manufactured home lot

shall be determined by the Health Official on the basis of safe and sanitary sewer service. The effective lot width of a mobile or manufactured home lot shall be determined, for interior lots, by measuring at right angles across the lot from one (1) diagonal side line to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line or an extension thereof.

5. Side lines of lots in said subdivisions need not be at right angles to straight street lines or radial to curved street lines.
6. Regardless of the effective lot width, said subdivision lots must abut a public street for at least twenty-five (25) feet.
7. All such Subdivisions, except those developed under low density residential Zoning District Standards, shall have a green belt planting strip as defined herein.

CHAPTER 4

MODULAR HOUSING

Section 7-401 Treatment of Modular Housing.

SECTION 7-401 TREATMENT OF MODULAR HOUSING.

- A. Manufactured or mobile housing shall be considered as Permanent-Site or Modular Housing only when it meets the following (Federal) certification criteria:
1. The manufacturer must certify that the structure is designed only for erection or installation on a site-built permanent foundation. A "site-built permanent foundation" is a system of supports, including piers, either partially or entirely below grade, which is:
 - a. Capable of transferring all loads imposed upon the structure into soil or bedrock without failure;
 - b. Placed at an adequate depth below grade to prevent frost damage; and
 - c. Constructed of concrete, steel, treated lumber or grouted masonry.
 2. The manufacturer must certify that the structure is not designed to be moved once erected or installed on a site-built permanent foundation.
 3. The manufacturer must certify that the structure is designed and manufactured to comply with the Town's adopted Building Code, or equivalent.
 4. The manufacturer must certify that, to the manufacturer's knowledge this structure is not intended to be used other than on a site-built permanent foundation.
- B. Such certification shall be proof of the housing unit's status as a "modular" unit; without such certification, any manufactured housing unit shall be considered a "mobile home," and treated as such for purposes of regulat

CHAPTER 5

MISCELLANEOUS PROVISIONS

(RESERVED)

CHAPTER 6

PENALTY

Section 7-601 Penalty.

SECTION 7-601 PENALTY.

Any person, firm or corporation who violates any provision of this Part shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in Section 1-108 of this Code of Ordinances. Each day upon which such violation continues shall be deemed a separate offense.

PART 8
FLOOD DAMAGE PREVENTION
AND
STORM WATER MANAGEMENT

CHAPTER 1

**STATUTORY AUTHORIZATION,
FINDINGS OF FACT,
PURPOSE AND METHODS**

Section 8-101	Statutory authorization.
Section 8-102	Findings of fact.
Section 8-103	Statement of purpose.
Section 8-104	Methods of reducing flood losses.

CHAPTER 2

DEFINITIONS

Section 8-201	Definitions.
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CHAPTER 3

GENERAL PROVISIONS

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Section 8-302	Basis for establishing the areas of special flood hazard.
Section 8-303	Establishment of Development Permit.
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CHAPTER 4

ADMINISTRATION

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CHAPTER 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

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Section 8-502	Specific Standards.
Section 8-503	Standards for subdivisions.
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CHAPTER 6

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STORM WATER MANAGEMENT

8-701	Statement of Purpose
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8-703	Additional Ordinances
8-704	Discharge Requirements
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8-707	Spills
8-708	Detection and Elimination of Discharges
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CHAPTER 1

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Section 8-101	Statutory authorization.
Section 8-102	Findings of fact.
Section 8-103	Statement of purpose.
Section 8-104	Methods of reducing flood losses.

SECTION 8-101 STATUTORY AUTHORIZATION.

The Legislature of the State of Oklahoma has in (statutes) Oklahoma Floodplain Management Act delegated the responsibility to local government units to adopt ordinances designed to minimize flood losses. Therefore, the Town of Kiefer, Oklahoma, ordains the following, to be effective on and after May 18, 2009:

SECTION 8-102 FINDINGS OF FACT.

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

SECTION 8-103 STATEMENT OF PURPOSE.

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

SECTION 8-104 METHODS OF REDUCING FLOOD LOSSES.

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

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

CHAPTER 2

DEFINITIONS

Section 8-201 Definitions.

SECTION 8-201 DEFINITIONS.

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

1. "Accessory Structure" 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 or storage sheds.
2. "Area of Special Flood Hazard" is the land in the floodplain within the Town of Kiefer, Oklahoma, subject to a one percent (1%) or greater chance of flooding in any given year.
3. "Base Flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
4. "Base Flood Elevations" means the elevation in feet above mean sea level of the base flood or 1% chance flood.
5. "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.
6. "BFE" means base flood elevation.
7. "CFR" means Code of Federal Regulations.
8. "Critical Feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
9. "Development" means any man-made change 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.
10. "Development Permit" means a permit issued by the Town of Kiefer Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this Ordinance.

11. "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 of 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
12. "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."
13. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Town of Kiefer.
14. "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
15. "FEMA" means the Federal Emergency Management Agency.
16. "FIRM" means Flood Insurance Rate Map.
17. "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters, or
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
18. "Flood Insurance Rate Map" means an official map of the Town of Kiefer on which the FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Kiefer.
19. "Flood Insurance Study" is the official report provided by the FEMA for the Town of Kiefer which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

20. "Floodplain Administrator" means a person accredited by the OWRB and designated by the Board of Trustees of the Town of Kiefer to administer and implement laws, ordinances and regulations relating to the management of floodplains.
21. "Floodplain or Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of flood).
22. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
23. "Floodplain Management Regulations" means zoning areas and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as a 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.
24. "Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within the Town of Kiefer subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
25. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Section 8-302 this Part. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.
26. "Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
27. "Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
28. "Historic Structure" means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in states without approved programs.
29. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
30. "Levee System" means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
31. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR.
32. "Manufactured Home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
33. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

34. "Mean Sea Level" means, for purposes of the National Flood Insurance Program, the National American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the Town of Kiefer's Flood Insurance Rate Map are referenced.
35. "New Construction" means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the Town of Kiefer Board of Trustees and includes any subsequent improvements to such structures.
36. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Town of Kiefer Board of Trustees.
37. "OWRB" means the Oklahoma Water Resources Board.
38. "Recreational Vehicle" means a vehicle which is:
- a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projections;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
39. "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.
40. "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.
 41. "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 (50%) of the market value of the structure before the damage occurred.
 42. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or
 - b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".
 43. "Variance" is a grant of relief by the Town of Kiefer Board of Trustees 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.)
 44. "Violation" means the failure of a structure or other development to be fully compliant with the Town of Kiefer Flood Damage Prevention Ordinance.
 45. "Water Surface Elevation" means the height, in relation to the National 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.

CHAPTER 3

GENERAL PROVISIONS

Section 8-301	Lands to which this Ordinance applies.
Section 8-302	Basis for establishing the areas of special flood hazard.
Section 8-303	Establishment of Development Permit.
Section 8-304	Compliance.
Section 8-305	Abrogation and greater restrictions.
Section 8-306	Interpretation.
Section 8-307	Warning and disclaimer or liability.

SECTION 8-301 LANDS 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 Kiefer, Oklahoma.

SECTION 8-302 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by FEMA in a specific and engineering report entitled, “The Flood Insurance Study for Creek County, Oklahoma and Incorporated Areas” dated May 18, 2009, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this Ordinance. This Ordinance shall go into effect on May 18, 2009.

SECTION 8-303 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

SECTION 8-304 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.

SECTION 8-305 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 another Ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 8-306 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.

SECTION 8-307 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 Kiefer or any official or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

CHAPTER 4

ADMINISTRATION

Section 8-401	Designation of the Floodplain Administrator.
Section 8-402	Floodplain Administrator duties and responsibilities.
Section 8-403	Permit procedures.
Section 8-404	Variances.

SECTION 8-401 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Board of Trustees of the Town of Kiefer designates the Building Inspector as Floodplain Administrator to administer and implement the provisions of this Ordinance and other appropriate sections of the National Flood Insurance Program Regulations in Title 44 CFR pertaining to floodplain management.

SECTION 8-402 FLOODPLAIN ADMINISTRATOR DUTIES AND RESPONSIBILITIES.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Become accredited by the OWRB in accordance with Title 82 O.S. 1601-1618, as amended.
2. Review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for Development Permits required by this Ordinance.
4. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval are required.
5. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
6. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data contemplated by 8-302 has not been provided by FEMA, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Chapter 5.
9. When a floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AE as delineated on the Creek 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 Kiefer.
10. After a disaster or other type of damage occurrence to structures in the Town of Kiefer, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.
11. Maintain a record of all actions involving an appeal from a decision of the Board of Trustees.
12. Maintain and hold open for public inspection all records pertaining to the provisions of this Ordinance.

SECTION 8-403 PERMIT PROCEDURES.

1. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - a. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and
 - b. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Ordinance and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;

- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use, with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 - j. The relationship of the proposed use to the comprehensive plan for that area.
3. The Floodplain Administrator or Board of Trustees, as applicable, may approve certain development in Zones A or AE delineated on the Creek 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 8-404 VARIANCES.

- 1. General Provisions
 - a. The Board of Trustees of the Town of Kiefer 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 8-404. Provided, however, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.
 - b. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other Laws of the State.

- c. In no case shall variances be effective for a period longer than twenty (20) years.
- d. Any person seeking a variance shall file a petition with the Board of Trustees, accompanied by a filing fee of Twenty-Five Dollars (\$25.00).
- e. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 8-403(2) and provisions of Section 8-404 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- f. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Chairman of the Board of Trustees which state that (i) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property.
- g. At such time as the Board of Trustees deems the petition ready for notification to the public, the Board of Trustees shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Creek County at least thirty (30) days prior to the hearing.
- h. The Board of Trustees shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section 8-404. The Board of Trustees shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.
- i. Variances shall only be issued upon:
 - 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.

- j. Upon consideration of the factors state in this Section 8-404 and the intent of this Ordinance, the Board of Trustees may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Section 8-103 of this Ordinance.
 - k. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the Board of Trustees shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.
2. Special Provisions
- a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.
 - b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - c. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - d. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - i. The criteria of Section 8-404(1)(e); 8-404(1)(i); 8-404(2)(b); and 8-404(2)(c) 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.

CHAPTER 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 8-501	General Standards.
Section 8-502	Specific Standards.
Section 8-503	Standards for subdivisions.
Section 8-504	Floodways.
Section 8-505	Severability.

SECTION 8-501 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 minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 8-502 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevations have been provided or are otherwise determined as set forth in Section 8-302, Section 8-402(8), or Section 8-503(1), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one (1) foot above the base floor elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement), elevated at least one (1) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
3. **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. **Manufactured Homes**
 - a. Require that all manufactured homes to be placed within Zone A on the Creek County FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least thirty-six (36) inches above grade or at least at or above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. 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.
 - b. Require that manufactured homes that are placed or substantially improved within Zone AE on the Creek County FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in

an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the I-beam for the manufactured home is elevated at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed installer shall install the home in accordance with State Law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zone AE on the Creek County FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that the bottom of the I-beam of the manufactured home is at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. A licensed installer shall install the home in accordance with 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 Creek County FIRM either:
- a. Be on the site for fewer than one hundred eighty (180) consecutive days,
 - b. Be fully licensed and ready for highway use, or
 - c. Meet the permit requirements of Section 8-403, and the elevation and anchoring requirements for "manufactured homes" in Section 8-502(4). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
6. **Accessory Structure** – Accessory structures to be placed on sites within Zones A and AE on the Creek County FIRM shall comply with the following:
- a. The structure shall be unfinished on the interior;
 - b. The structure shall be used only for parking and limited storage;
 - c. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
 - d. Service facilities such as electrical and heating equipment must be elevated to or above the BFE;

- e. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- f. The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
- g. The structure shall be firmly anchored to prevent flotation, collapse and lateral movement;
- h. Floodway requirements must be met in the construction of the structure;
- i. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
- j. The structures shall be located so as not to cause damage to adjacent and nearby structures.

SECTION 8-503 STANDARDS FOR SUBDIVISIONS.

1. 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.
2. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
3. All subdivision including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION 8-504 FLOODWAYS.

The following provisions shall apply to floodways:

1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Town of Kiefer during the occurrence of the base flood discharge.
2. If Section 8-504(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 5.

3. The Town of Kiefer 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 8-505 SEVERABILITY.

If any section, clause, sentence or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

CHAPTER 6

PENALTIES FOR NONCOMPLIANCE

Section 8-601 Penalty.

SECTION 8-601 PENALTY.

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 Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Board of Trustees of the Town of Kiefer or its City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

STORM WATER MANAGEMENT

Section 8-701 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 storm water runoff in specific areas.

Section 8-702 OBJECTIVES

The objective of this ordinance is to permit the Town of Kiefer to:

- A. Monitor and report to necessary agencies all suspected illicit runoff discharges entering the Town of Kiefer;
- B. Regulate and prevent the introduction into the Kiefer Municipal storm sewer system of spills, dumps, or the disposal of materials other than stormwater;
- C. Prohibit illicit discharges into the Kiefer municipal sewer system,
- D. Implement procedures to identify and determine compliance or non-compliance with this ordinance.
- E. Comply with the National Pollutant Elimination System and the Oklahoma Pollution Discharge Elimination System permit systems or any other related federal or state programs.

Section 8-703 PROVISIONS OF THIS ORDINANCE IN ADDITION TO OTHER KIEFER ORDINANCES

The provisions of this Ordinance shall be deemed to be additional requirements to other such ordinances such as but not limited to Animal Regulations, Part 4; Flood Damage Prevention, Part 8; Health and Nuisances, Part 11; Offenses and Crimes, Part 13; and any and all other ordinances where applicable.

Section 8-704 DISCHARGE REQUIREMENTS

- A. Allowable and occasional discharges:
 1. Allowable non-stormwater discharges which the town has determined not to be substantial contributors of pollutants to the municipal sewer system are listed in the Phase II Stormwater Management Program of the Town of Kiefer;
 2. Any discharge that has a current NPDES or OPDES discharge permit with ODEQ shall be an allowable discharge with the following exceptions;
 - a. A discharge that results in the Town violating its NPES or OPDES Phase II MS4 permit;
 - b. A discharge that the Town Administrator determines causes contamination of surface water, stormwater or groundwater within the town, or
 - c. A discharge that could block or damage the municipal sewer system.
 3. The discharge of stormwater containing pollutants that have been reduced to the maximum extent practical by the application of best management practices or other management practices as are acceptable to the town and to ODEQ.

B. PROHIBITED DISCHARGES

No person shall discharge into the municipal sewer system, water way, directly or indirectly any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively prevent pollutants from also being discharged with the stormwater through the use of best management practices except as may be permitted under Part A of this section.

1. It is a violation for any party to improperly dispose of any contaminant into the municipal stormwater system, said contaminants including but not limited to the following:
 - a. Trash or debris,
 - b. Petroleum based products
 - c. Antifreeze of other automotive fluids,
 - d. Metals in particular of dissolved form,
 - e. Flammable or explosive materials,
 - f. Batteries,
 - g. Paints, stains or lacquers,
 - h. Steam cleaning wastes,
 - i. Pesticides, herbicides or fertilizers
 - j. Soaps or detergents,
 - k. Heated water except as may be permitted,
 - l. Animal or human waste,
 - m. Discharge from leaking sewers or septic systems,
 - n. RV waste
 - o. Animal Carcasses or liquids,
 - p. Medical waste,
 - q. Collected yard or vegetative clippings,
 - r. Silt, sediment or gravel,
 - s. Dyes,
 - t. Washing of fresh concrete residue,
 - u. Junk motor vehicles,
 - v. Wastewater from the cleaning of filling stations, auto repair facilities, or similar businesses,
 - w. Wastewater from carpet cleaning, steam cleaning or other such operations,
 - x. Wastewater from grease traps, garbage bins or such areas
 - y. Any hazardous material not herein listed,
 - z. Any spilled pollutants unless the failure to allow such discharge would result in greater harm as determined by the Town Administrator.
2. It is a violation for any party to place, store or keep any material in such a manner so as cause any pollutants to be discharged by unusual atmospheric conditions into the municipal stormwater system.

Section 8-705 STORAGE OR HAZARDOUS OR TOXIC MATERIALS

Storage or stockpiling of hazardous or toxic materials within any drainage area or in an associated floodway or floodplain, is strictly prohibited. The storage of any such materials at any construction site without adequate protection or absent approved containers to prevent discharge shall constitute a violation.

Section 8-706 PRIVATE PROPERTY MAINTENANCE DUTIES

Any party owning property through which a drainage way passes or any party leasing such property, except where such property and drainage way maintenance has been accepted by the public or by other parties, shall keep and maintain that portion of said drainageway that lies within the control of said party and keep it clear of any and all debris, trash and excessive vegetation and other such obstructions that could cause the pollution or contamination of said property, or significantly retard the flow of water through the area so as to cause such pollution or contamination. Said owner or lessee shall maintain any structures within said area in a manner so as to minimize the hazards and physical integrity of said waterway.

Section 8-707 SPILLS

Spills of any hazardous, toxic, or potentially hazardous or toxic materials that have the potential to enter the Kiefer stormwater system shall be contained and remediated through the use and application of appropriate absorbents, chemical neutralizers, and or booms and water skimmers to contain, neutralize and remove said potential pollutants. The remediation activities shall be the responsibility of the offending party.

Section 8-708 ILLCIT DISCHARGE, DETECTION AND ELIMINATION

A, EPISODIC INCIDENT WITH NO DETERMINABLE SOURCE This category consists of pollutants introduced into the municipal stormwater system from parties in a one time episode at a point of entry to which the responsible party or source is not traceable. Possible examples being the dumping of yard waste, motor oil or trash into a creek or water way with not evidence left behind to show the offending party. Prevention of such future events shall be dependent on public education and participation programs.

B. CHRONIC OR FREQUENT INCIDENT WITH POTENTIALLY DETERMINABLE SOURCE This category consists of pollutants from sources that are frequently occurring or otherwise traceable through stream channels and the municipal storm water system using one or more methods of visible inspection, chemical field tests, or formal chemical testing, sampling or laboratory analysis. Pollutants from these sources will be dispersed downstream as a detectable odor, visual color, increased turbidity, excessive algae growth, or changes in water chemistry when compared to contaminated water or storm water. These potentially traceable pollutants are subject to source tracing or inspection and the sources are thus more likely found and remediated.

Section 8-709 MAPPING

The Town Administrator along with the stormwater manager shall maintain a copy of the Town's drainage system which shall also show basic system features, major outfalls, and prominent receiving streams.

Section 8-710 DETECTION

- A. Locate areas that have the greatest potential to discharge pollutants,
- B. Collect information concerning illicit discharge and pollutant information from inspectors and citizens,
- C. Conduct visual dry weather inspections of stormwater outfalls,
- D. Investigate all pollutant discharges and take follow up action,
- E. Source track violations to determine sources and offenders,
- F. Remove and correct offending sources or offenders,
- G. Document all actions taken.

Section 8-711 CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

- A. Effective stormwater pollution prevention of construction sites is dependent on a combination of preventing the movement of soil from its original location, erosion control, preventing displaced soil from entering water ways, and proper on site materials handling. The operator of any construction project that disturbs one acre or more. or is a part of a larger common plan of development or sale which disturbs more than one acre is required to obtain the proper stormwater permit from ODEQ and to comply with all terms and conditions of the permit. In addition to the permit of required the operator must comply with any other permits that may be required by the Town of Kiefer. The operator shall properly display all required permits at the job site.
- B. Exemptions. Any emergency activity necessary for the protection of life, property or natural resources and the maintenance and repair to the town's stormwater system, provided such activities do not contribute to any on site generated erosion or degradation of lands or waters beyond the property or area are exempt from this article.

Section 8-712 POST CONSRUCTION RUNOFF CONTROL

In addition to the requirements in any applicable stormwater pollution prevention plan the operator must abide by any pertinent post construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously filter stormwater runoff from the stabilized site. Any project located in the Town of Kiefer that includes clearing, grading, excavation and other land disturbing activities, resulting in the disturbance of one acre or more of total land area, is subject to the requirements of this section. This includes both new development and re-development and disturbances to less than one acre of land when such land is a part of a larger

common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land, within the stormwater area. To prevent adverse impact of stormwater runoff the following standards must be met:

- A. All operators of construction activities that disturb one acre or more are required to develop and implement structural and non-structural BMP's. BMP's shall be appropriate for the local site conditions and shall be those that will minimize water quality impact.
- B. Runoff is to be controlled to the maximum extent practicable and water quality standards shall be maintained after the development of the site.
- C. Long term operation and maintenance of the BMP's are required to prevent erosion and non-stormwater runoff from sites after active construction ceased.
- D. Post run-off flow rates shall not exceed pre-development runoff flow rates and shall be consistent with local and regional watershed plans.

Section 8-713 INSPECTION AND MONITORING

- A. **STORM DRAINAGE SYSTEM** The Town Administrator's or the authorized representative will periodically inspect that portion of the stormwater system under the Town's control, in an effort to detect and eliminate illicit discharges into the system. This inspection will include an effort to detect and eliminate illicit discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the stormwater drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.
- B. **POTENTIAL POLLUTORS** If as a result of the storm drainage system inspection a discharge is suspected of an illicit discharge, the town may inspect or obtain stormwater samples from stormwater runoff facilities of the subject discharge, to determine compliance with the requirements of this ordinance. Upon request the discharger shall allow the town to enter upon the premises of the discharger at all hours necessary for the purpose of inspection or sampling. The authorized representative's of the town may place upon the discharger's property any equipment necessary for such testing or sampling. Identified illicit discharges shall be subject to enforcement action as described in the Administrative Enforcement remedies of this ordinance.
- C. **NEW DEVELOPMENTS AND RE-DEVELOPMENTS** Following approval of final stormwater plans and following the final completion of construction and receipt of as built drawings by the Town, new development and re-development sites shall be inspected by the Town's authorized representatives. Inspections will be to verify all on site stormwater conveyances and connections to the storm drainage system are in compliance.

Section 8-714 ADMINISTRATIVE ENFORCEMENT REMEDIES

- A. **NOTICE OF VIOLATION**
Whenever the Town finds that a party has violated a prohibition or failed to meet a requirement of this ordinance the Town Administrator or the authorized representative

may order compliance by written Noticer of Violation to the responsible party. Such notice may require without limitation:

1. Issuance of a stop work order,
2. The performance of monitoring, analyses and reporting,
3. The elimination of illicit connections or discharges,
4. That violating discharges, practices, or operations shall cease and desist,
5. Abatement or remediation of pollution or contamination hazards,
6. Restoration of any affected property,
7. Implementation of source control or treatment RMP's.

If abatement of a violation and/or restoration of affected property is required the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the allotted time period the work may be done by a designated government agency or contractor and the expense shall be charged to the violator.

- B. APPEAL TO TOWN ADMINISTRATOR: Any party affected or aggrieved by any administrative enforcement remedy which has been entered in connection with the enforcement of any of the provisions of this ordinance or of any rule or regulation adopted pursuant thereto, shall be granted a hearing before the Town Administrator or designee. Such a party shall file with the Town Administrator a request giving grounds for said hearing within ten days after the notice or order that was served on said party. Upon receipt of the request the Town Administrator's Notice or Order should be modified or withdrawn. The requested Hearing shall be held within 15 days after the request is filed unless the Petitioner requests and shows good cause for postponement. The Town Administrator shall be the sole judge as to whether good cause has been shown for said postponement. After said hearing the Town Administrator may sustain, modify or withdraw the Administrative Order. The decision of the Town Administrator may be appealed to the Board of Trustees by filing a notice of appeal within 10 days of the date of said decision.

Section 8-715

VIOLATIONS, INJUNCTIONS, AND CRIMINAL PROSECUTION

A INJUNCTIVE RELIEF: Whenever a party has violated the provisions of this Ordinance the Town Administrator may petition the District Court for the issuance of a preliminary or permanent injunction to restrain the actions of the offending party. The Town Administrator shall have such power to collect fees as are available to collect. A petition for injunctive relief need not be filed as a prerequisite to the taking of any other action against said offending party.

B CRIMINAL PROSECUTION:

1. Any party who has violated this ordinance or any order issued stemming from same, shall be subject to criminal prosecution in the Kiefer Municipal Court with a maximum penalty of a fine of \$500.00 per each day of violation.
2. The Town of Kiefer may recover reasonable attorney fees, court costs and all expenses associated with or stemming from said

enforcement activities, including all sampling or testing expenses, along with the cost of any actual damages to the Town of Kiefer.

C REMEDIES NON-EXCLUSIVE: The provisions contained herein are not exclusive remedies. The Town of Kiefer reserves the right to take any and all legal actions against any violator of this ordinance. Said actions may be taken jointly or severally with other such actions and nothing shall prevent the Town from reporting said violations to the ODEQ or EPA for further enforcement.

Section 8-716 CONFIDENTIAL INFORMATION

A Information and data regarding any party obtained from reports, surveys, investigations, applications, permits, programs, inspections or sampling activities may be available to the public pursuant to the Oklahoma Open Records Act, or to other governmental agencies unless the offending party can clearly demonstrate to the Town Administrator that the release of such information would divulge information that would constitute trade secrets of the offending party. If the Town Administrator finds that such release would divulge trade secrets then the Town Administrator is empowered to curtail said release or to redact it in such a manner so as to protect said information.

Section 8-717 DOCUMENTATION

A Records, inspections and correspondence related thereto shall be retained for a period of no less than 5 years. This retention period shall be automatically extended at the request of the Town Administrator or where any litigation concerning said enforcement may be ongoing.

B. A copy of pollution prevention plans and all related documents shall be provided to the Town Administrator.

PART 9
COURT
CHAPTER 1
COURT PROCEDURE

Section 9-101	Definitions.
Section 9-102	Purpose.
Section 9-103	Jurisdiction.
Section 9-104	Change of venue; disqualification of judge.
Section 9-105	Chief of Police as Principal Officer of Court.
Section 9-106	Clerk of Court; duties.
Section 9-107	Municipal Attorney.
Section 9-108	Bond.
Section 9-109	Authority of Judge to prescribe rules.
Section 9-110	Traffic Violations Bureau created; payment of fines, fines in lieu of appearance.
Section 9-111	Schedule of fines.
Section 9-112	Prosecutions; filing of complaint, defects raised only prior to trial.
Section 9-113	Ordinance violations; procedures for issuing citations; custody, arrest.
Section 9-114	Traffic Bail Bond Act.
Section 9-115	Issuance of summons; failure to appear.
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Section 9-120	Arraignment.
Section 9-121	Postponement of trial.
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Section 9-124	Right to trial by jury, waiver.
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Section 9-127	Suspension or deferment of judgment, powers.
Section 9-128	Payment of costs by defendant.
Section 9-129	Enforcement of fines and costs, imprisonment, work and community service.
Section 9-130	Same offense punishable by different sections of the Code.
Section 9-131	Contempt of Court.

Section 9-132 Penalty assessments.
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CHAPTER 2

JUDGE

Section 9-201 Judge; created; qualifications.
Section 9-202 Term of office of Judge.
Section 9-203 Appointment of Judge, Alternate Judge.
Section 9-204 Acting Judge.
Section 9-205 Compensation.
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CHAPTER 1

COURT PROCEDURE

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Section 9-111	Schedule of fines.
Section 9-112	Prosecutions; filing of complaint, defects raised only prior to trial.
Section 9-113	Ordinance violations; procedures for issuing citations; custody, arrest.
Section 9-114	Traffic Bail Bond Act.
Section 9-115	Issuance of summons; failure to appear.
Section 9-116	Failure to appear according to terms of bond, bond forfeiture, bench warrant.
Section 9-117	Complainant, witnesses, failure to appear.
Section 9-118	Issuance of warrant.
Section 9-119	Procedures for bail or bond, bond schedule.
Section 9-120	Arraignment.
Section 9-121	Postponement of trial.
Section 9-122	Defendant's presence required at trial.
Section 9-123	Procedure for trials not within scope of chapter.
Section 9-124	Right to trial by jury, waiver.
Section 9-125	Judgment.
Section 9-126	Judgment of imprisonment.
Section 9-127	Suspension or deferment of judgment, powers.
Section 9-128	Payment of costs by defendant.
Section 9-129	Enforcement of fines and costs, imprisonment, work and community service.
Section 9-130	Same offense punishable by different sections of the Code.
Section 9-131	Contempt of Court.
Section 9-132	Penalty assessments.
Section 9-133	Fines, recoverable by civil action; failure to pay separate offense, imprisonment.

SECTION 9-101 DEFINITIONS.

As used in this Chapter:

1. “Chief of Police” means the peace officer in charge of the police force of the Town;
2. “Clerk” means the Court Clerk as appointed by the Town, including any deputy or member of the office staff of the Clerk while performing duties of the Clerk’s office;
3. “Court” means the Municipal Criminal Court of this Town;
4. “Judge” means the Judge of the Municipal Criminal Court, including any Acting Judge or Alternate Judge thereof as provided for by the Statutes of this State and this Chapter; and
5. “This Judicial District” means the District Court Judicial District of the State wherein the government of this Town is situated.

State Law Reference: Municipal Courts generally, 11 O.S. Secs. 27-101 et seq.

SECTION 9-102 PURPOSE.

This Chapter shall govern the organization and operation of the Municipal Criminal Court of the Town, as put into operation by resolution duly passed and filed in accordance with law, as authorized by State Statutes. To the extent of conflict between any provisions of this Chapter and the provisions of any other Ordinance of this Town, the provisions of this Chapter shall control.

SECTION 9-103 JURISDICTION.

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

SECTION 9-104 CHANGE OF VENUE; DISQUALIFICATION OF JUDGE.

In prosecutions before the Court, no change of venue shall be allowed. The Judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a Judge is disqualified, the matter shall be heard by an Acting Judge, appointed as provided in this Chapter.

SECTION 9-105 CHIEF OF POLICE AS PRINCIPAL OFFICER OF COURT.

All writs or processes of the Court shall be directed, in his official title, to the Chief of Police, who shall be the Principal Officer of the Court.

SECTION 9-106 CLERK OF COURT; DUTIES.

- A. The Town Clerk or a deputy designated by him shall be the Clerk of the Court.
- B. The Clerk shall:
 - 1. Assist the Judge in recording the proceedings of the Court and in preparing writs, processes and other papers;
 - 2. Administer oaths required in proceedings before the Court;
 - 3. Enter all pleadings, processes and proceedings in the dockets of the Courts;
 - 4. Perform such other clerical duties relating to the proceedings of the Court as the Judge shall direct; and
 - 5. Receive any receipt for forfeitures, fees, deposits and sums of money payable to the Court and as may be established by the Court or the Town Board of Trustees.
- C. The Clerk shall pay to the Treasurer of the Town 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 Town, or in such other fund as the Board of Trustees may direct.

SECTION 9-107 MUNICIPAL ATTORNEY; POWERS AND DUTIES.

The Municipal Attorney, or a duly designated assistant, shall be the prosecuting officer of the Municipal Court, and shall be authorized to prosecute all alleged violations of the Ordinances of the Town of Kiefer, Oklahoma, and to prosecute and resist appeals and proceedings in error and review from the Court to any other courts of the State. The Municipal Attorney shall also be authorized to represent the Town of Kiefer, Oklahoma, in all proceedings arising out of matters of the Court.

SECTION 9-108 BOND.

The Clerk of the Court shall give bond in such sum as set by the Board of Trustees, in the form provided by State Law. When executed, the bond shall be submitted to the Board of Trustees for approval. When approved, it shall be filed with the Clerk and retained in the Municipal Archives.

SECTION 9-109 AUTHORITY OF JUDGE TO PRESCRIBE RULES.

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

SECTION 9-110 TRAFFIC VIOLATIONS BUREAU CREATED; PAYMENT OF FINES, FINES IN LIEU OF APPEARANCE.

- A. A Traffic Violations Bureau is established as a division of the officer of the Clerk of the Court, to be administered by the Clerk or by subordinates designated for that purpose. Persons who are cited for violation of one of the Traffic Ordinances of this Town, other than a driver's license offense, or an offense punishable by more than One Hundred Dollars (\$100.00), may elect to pay a fine in the violations bureau according to a schedule of fines prescribed from time to time by the Town Board of Trustees. The payment shall constitute a final determination of the cause against the defendant.
- B. The Court may adopt rules to carry into effect this section. If a defendant who has elected to pay a fine under this section fails so to do, prosecution shall proceed under the provisions of this Chapter.

SECTION 9-111 SCHEDULE OF FINES.

The Town Board of Trustees may establish a minimum fine schedule. The minimum fine schedule when established shall provide for a minimum amount, which a person may pay upon a plea of guilty, or nolo contendere to the listed offenses. The minimum fine schedule shall include fine, court costs and any assessments set by State Law within the specified amount. Upon plea of guilty or nolo contendere and payment of the required minimum fine prior to the date scheduled for court appearance, no further court appearance shall be required. The Judge may authorize the Court Clerk to accept pleas of guilty and nolo contendere where the amount of the minimum fine is paid at the time of such plea and prior to the scheduled court appearance date.

Cross Reference: See Latest Fine Schedule on file with the Town Treasurer.

SECTION 9-112 PROSECUTIONS; FILING OF COMPLAINT, FEES, DEFECTS RAISED PRIOR TO TRIAL.

- A. All prosecutions for violation of Ordinances of this Town shall be styled "The Town of Kiefer, Oklahoma vs. (naming defendant or defendants)." Except as provided hereinafter, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint, and setting forth concisely the offense charged.
- B. There is no duty on the part of the Town or any of its officers or employees to formally prosecute actions in the Court. In the absence of a prosecuting officer, the Judge shall proceed with the case and hear evidence and examine witnesses in such manner, as he may deem necessary to effect justice.
- C. Any person, except a police officer or other employee of the Town, filing a criminal offense complaint in the Municipal Court shall deposit with the Clerk of the Court, unless waived by order of the Court, the Court cost fee as provided in this Chapter. The Court costs so deposited by such a complainant shall be refunded to the complainant or person depositing same upon conviction or acquittal of the defendant;

the Court costs shall not be refunded if the charges are dismissed at the request of the complainant who made the deposit because the complainant fails or refuses to appear in court to testify or aid in the prosecution of the charge filed by such complainant.

- D. All defects in the form or substance apparent on the face of a complaint charging a violation of an Ordinance of this Town, and being grounds for motion or demur, may only be raised by an accused in writing and prior to trial.
- E. A complaint may be amended in matter of substance or form at any time before the defendant pleads, without leave, and may be amended after plea or order of the Court where the same can be done without material prejudice to the rights of the defendant. No amendment shall cause any delay of the trial, unless good cause is shown by affidavit.

SECTION 9-113 ORDINANCE VIOLATIONS; PROCEDURES FOR ISSUING CITATION; CUSTODY, ARREST.

- A. If a resident of this Town is arrested by a law enforcement officer for the violation of any traffic Ordinance for which other provisions of this Chapter do not apply, or is arrested for the violation of a nontraffic Ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. However, the arresting officer need not release the person if it reasonably appears to the officer that the person may cause injury to himself or others or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled.
- B. If the arrested resident is not released by being permitted to sign a citation as provided in this subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.
- C. If a nonresident of this Town is arrested by a law enforcement officer for a violation of any Ordinance for which Section 9-114 of this Code does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.
- D. 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 this section, with such variation as the circumstances require the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsection A of this section.

SECTION 9-114 TRAFFIC BAIL BOND ACT.

- A. In addition to other provisions of law for posting bail, any person, whether a resident of this State or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a State Traffic Law or Municipal Traffic Ordinance shall be released by the arresting officer upon personal recognizance if:
1. The arrested person has been issued a valid license to operate a motor vehicle by this State, another state jurisdiction within the United States which is a part of the Nonresident Violator Compact, or any party jurisdiction of the Nonresident Violator Compact;
 2. The arresting officer is satisfied as to the identity of the arrested person;
 3. The arrested person signs a written promise to appear as provided for on the citation; and
 4. The violation does not constitute:
 - a. A felony;
 - b. Negligent homicide;
 - c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;
 - d. Eluding or attempting to elude a law enforcement officer;
 - e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
 - f. An arrest based upon an outstanding warrant;
 - g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;
 - h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
 - i. A violation relating to the transportation of hazardous materials.
- B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall:

1. Designate the traffic charge;
2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;
3. Record the motor vehicle make, model and tag information;
4. Record the arraignment date and time on the citation; and
5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

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

- C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of driver's license, shall be as required in State Law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statutes.
- D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the Court Clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the Court and the amount of the fine and costs shall be as prescribed by Ordinance for the violation charged or as prescribed by the Court.
- E. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the Court may issue a warrant for the arrest of the defendant and the municipal or District Court Clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;
2. The defendant has failed to appear for arraignment without good cause shown;
3. The defendant has not posted bail, paid a fine, or made any other arrangement with the Court to satisfy the citation; and
4. The citation has not been satisfied as provided by law.

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

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;
 2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment;
 3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or
 4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.
- F. The Court Clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this section. When the Court or Court Clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the Court Clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the Court or Court Clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the Court or Court Clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no

event create any civil liability upon the Court, the Court Clerk, the State or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

SECTION 9-115 ISSUANCE OF SUMMONS; FAILURE TO APPEAR.

- A. Upon the filing of a complaint charging violation of an Ordinance, the Judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the Court on a day certain, containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.
- B. The summons shall be served by delivering a copy to the defendant personally or by certified mail. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this Chapter.
- C. Any person who has been duly served with a summons or traffic citation and who has signed a written promise to appear in court as directed in the summons or the citation or as subsequently directed by the Court and who fails to appear pursuant to his written promise or as directed by the Court shall be deemed guilty of an offense, which shall be punishable as provided in Section 1-108 of this Code.

SECTION 9-116 FAILURE TO APPEAR ACCORDING TO TERMS OF BOND, BOND FORFEITURE, BENCH WARRANT.

- A. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the Judge may be lawfully required or ordered, the Judge may direct that fact to be entered upon the Court minutes, thereby declaring the bond to be forfeited. The Judge may also order a bench warrant to be issued for the defendant as provided in this Chapter.
- B. The Judge, without advancing court costs, may also cause the forfeiture to be certified to the District Court of the county, where it shall be entered upon the judgment docket and shall have the full force and effect of a District Court judgment. At such time as the forfeiture is entered upon the District Court judgment docket, the District Court Clerk shall proceed in accordance with the provisions of Sections 1330, 1332, 1333 and 1335 of Title 5 of the Oklahoma Statutes, and a surety shall have all remedies available under the provision of Sections 1108 of Title 22 of the Oklahoma Statutes and Section 1301 through 1340 of Title 5 of the Oklahoma Statutes.
- C. Court costs shall be collectible from the proceeds of the bond.

SECTION 9-117 COMPLAINANT, WITNESSES, FAILURE TO APPEAR.

No person, having signed a complaint in the Municipal Court of the Town alleging the violation of an Ordinance or any other person in response to an order of the Court, shall fail, refuse or neglect to appear for the purpose of testifying as a witness at the trial of the case, after having been notified of the time, date and place at which the case is set for trial.

SECTION 9-118 ISSUANCE OF WARRANT.

- A. Except as otherwise provided by Town Ordinance, upon the filing of a complaint approved by endorsement by the Town Attorney or by the Judge, there shall be issued a warrant of arrest, in substantially the following form:

The Town of Kiefer, Oklahoma to the Police Chief of the Town of Kiefer, Oklahoma. Complaint upon oath this day has been made by (naming complainant) that the offense of (naming the offense in general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above named (name of defendant) and bring (insert him, her or them, as appropriate) before me, at (naming the place).

Witness my hand this ____ day of _____, _____.

Judge of the Municipal
Criminal Court of
Kiefer, Oklahoma

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

SECTION 9-119 PROCEDURES FOR BAIL OR BOND, BOND SCHEDULE.

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

- B. The Town's bail bond schedule setting forth specific offenses and bail bond amount and procedures therefor, as amended from time to time, is hereby adopted and incorporated herein by reference.

State Law Reference: Acceptable methods of bail, 11 O.S. Sec. 27-117 (cash, guaranteed arrest bond certificate).

SECTION 9-120 ARRAIGNMENT.

Upon making his appearance before the Court, the defendant shall be arraigned. The Judge, or the Town Attorney, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the Court may proceed to judgement 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 9-121 POSTPONEMENT OF TRIAL.

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

SECTION 9-122 DEFENDANT'S PRESENCE REQUIRED AT TRIAL.

The defendant must be present in person at the trial of his case in court.

SECTION 9-123 PROCEDURE FOR TRIALS NOT WITHIN SCOPE OF CHAPTER.

In all trials, as to matters not covered in this Chapter, by the statutes relating to Municipal Criminal Courts, or by rules duly promulgated by the State Supreme Court, the procedure applicable in trials of misdemeanors in the District Courts shall apply to the extent that they can be made effective.

SECTION 9-124 RIGHT TO TRIAL BY JURY, WAIVER.

- A. In all prosecutions for violations of Ordinances punishable by fine of more than Two Hundred Dollars (\$200.00), or by imprisonment, or by both fine and imprisonment, trial shall be by jury unless waived by the defendant. If trial by jury is waived, trial shall be by the Court.
- B. At arraignment the defendant shall be asked whether he demands or waives trial by jury. His election shall be recorded in the minutes of the arraignment and entered on the docket of the Court respecting proceedings in the case.

- C. An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the day for which trial by the Court is set. An election demanding jury trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial; but if that change occurs after the case has been set for jury trial, it may not thereafter be recharged so as again to demand trial by jury.

SECTION 9-125 JUDGMENT.

At the close of trial, judgment must be rendered without undue delay by the Judge, who shall cause it to be entered in his docket:

1. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once;
2. If the defendant pleads guilty or is convicted after trial, the Court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable Ordinance and imposing sentence accordingly; and
3. A judgment that the defendant pay a fine may direct also that he be imprisoned until the fine is satisfied, as provided in Section 9-129 of this Code.

SECTION 9-126 JUDGMENT OF IMPRISONMENT.

If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the Clerk, shall be delivered to the Chief of Police, the Sheriff of the County, or other appropriate officer. Such copy shall be sufficient warrant for execution of the sentence.

SECTION 9-127 SUSPENSION OR DEFERMENT OF JUDGMENT, POWERS.

- A. The Judge of the Court in imposing a judgment and sentence at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any part thereof and to authorize the person to be released upon his own recognizance for a period not to exceed six (6) months from the date of the sentence, under such terms or conditions as the Judge may specify. The Judge may, with the consent of the defendant, defer further proceedings, after a verdict, finding or plea of guilty, but before passing a judgment of guilt and imposing a fine, and place the defendant on probation for a period not to exceed six (6) months, under such terms and conditions as prescribed by the Court, which may include, but not be limited to, work on the streets, parts, or other town-owned or maintained projects, with proper supervision.
- B. A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.
- C. Upon a finding of the Court that the conditions of release have been violated, the Municipal Judge may enter a judgment of guilty and may cause a warrant to be issued for the defendant.

- D. Upon the issuance of the warrant or judgment of guilty being entered, the person shall be delivered forthwith to the place of confinement to which he is sentenced and shall serve out the full term or pay the full fine for which he was originally sentenced as may be directed by the Judge.
- E. The Judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of the sentence. At the expiration of such period, the Judge may allow the Town Attorney to amend the charge to a lesser offense.
- F. If a deferred sentence is imposed, an administrative fee of One Hundred Dollars (\$100.00) may be imposed as costs in the case. The Court may make payment of the fee a condition of granting or continuing the imposition of a sentence, if the defendant is able to pay.
- G. The Court may also require restitution and in the event there was damage done to public or private property during the commission of the offense, the Court may require the defendant to repair or replace such damaged property as a condition to a deferred sentence as may be directed by the Court.

State Law Reference: Similar provision, 11 O.S. Sec. 27-123.

SECTION 9-128 PAYMENT OF COSTS BY DEFENDANT.

If judgment of conviction is entered, the Clerk of the Court shall tax the costs to the defendant in the sum of Thirty Dollars (\$30.00), or the maximum sum permitted by State Law, whichever is greater, plus the fees and mileage of jurors and witnesses, all of which the defendant shall pay, in addition to any fine that may be imposed.

State Law Reference: Maximum amount of court costs, 11 O.S. Sec. 27-126; Penalty on assessment for police training, 20 O.S. Sec. 1313.1.

SECTION 9-129 ENFORCEMENT OF FINES AND COSTS, IMPRISONMENT, WORK AND COMMUNITY SERVICE.

- A. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced by imprisonment until the same shall be satisfied at the rate of Twenty Five Dollars (\$25.00) per day.
- B. 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 where it shall be entered upon the District Court docket and shall have the full force and effect of a District Court judgment. Thereupon the same remedies shall be available for the enforcement as are available to any other judgment creditor.

- C. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on community projects, the public streets, avenues or ways, public buildings, or other public premises or property. For each day of such work, the prisoner or defendant shall be credited for two (2) days of imprisonment toward any fine or costs or witness or juror fees or mileage until the same are satisfied.
- D. The Town shall direct where the work shall be performed. The appropriate officer shall oversee the work. If a guard is necessary, the Chief of Police shall make provision therefor.

State Law Reference: Similar provision, 11 O.S. Sec. 27-122; Community service, powers to direct, liability of town limited, 57 O. S. Secs. 227, 228.

SECTION 9-130 SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF THE CODE.

In all cases where the same offense is made punishable or is created by different sections of this Code, the Town Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

SECTION 9-131 CONTEMPT OF COURT.

Obedience to the orders, rules and judgments made by the Court may be enforced by the Judge, who may fine or imprison for contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the District Courts of this State.

SECTION 9-132 PENALTY ASSESSMENTS.

- A. Any person:
 - 1. Convicted of an offense punishable by a fine of Ten Dollars (\$10.00) or more or by imprisonment, excluding parking and standing violations; or
 - 2. Forfeiting bond when charged with such an offense under paragraph one hereof, shall pay a sum as set by State Law as a separate penalty assessment for law enforcement training, and as a separate fingerprinting fee, which shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. The Court shall provide for separate bail for the assessments; however, a defendant admitted to bail on an undertaking by a surety may include the amount of the assessment in the undertaking.
- B. Upon conviction or bond forfeiture, the Court shall collect the assessment and deposit the monies for payment as required by State Law.

- C. At the end of every quarter the Town shall deposit with the Oklahoma State Treasury the funds deposited in the law enforcement training funds and the A.F.I.S. (automated fingerprinting identification) Fund as required by law. The Court Clerk shall also furnish to the State Treasury reports required on the funds collected and penalty assessments imposed each quarter.
- D. For the purpose of this section, “conviction” means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment.

State Law Reference: Similar provisions, 20 O.S. Sec. 1313.1 through 1313.3.

SECTION 9-133 FINES RECOVERABLE BY CIVIL ACTION; FAILURE TO PAY SEPARATE OFFENSE, IMPRISONMENT.

- A. All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law.
- B. The failure to pay a fine levied pursuant to this Code shall constitute a separate offense against the Town, subject to a fine as provided in Section 1-108 of this Code.
- C. If a fine is not paid by the defendant, the fine may be collected by committing the defendant to the Town jail, where he shall remain until his fine and any costs assessed against him are discharged, either by payment or by confinement in jail, or by working in accordance with other provisions of this Code or State Law.
- D. A Collection Fee of Thirty Five Per Cent (35%) of call court penalties, costs, fines and fees in cases in which the defendant failed to appear or otherwise failed to satisfy a monetary obligation imposed by the Court shall be added to any case which is referred to any outside agency for collection.

CHAPTER 2

JUDGE

Section 9-201	Judge; created; qualifications.
Section 9-202	Term of office of Judge.
Section 9-203	Appointment of Judge, Alternate Judge.
Section 9-204	Acting Judge.
Section 9-205	Compensation.
Section 9-206	Removal of Judge from office.
Section 9-207	Vacancy.

SECTION 9-201 JUDGE; CREATED; QUALIFICATIONS.

There shall be one Judge of the Court. A Judge need not be a licensed attorney at law, but, if not, he must be a resident of this Town of the age of twenty-one (21) years, possessed of good moral character. A Judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the Court, pending therein or which might become subject of proceedings therein.

SECTION 9-202 TERM OF OFFICE OF JUDGE.

The official term of the Judge shall be two (2) years, expiring on the thirtieth (30th) day of April in each odd-numbered year.

SECTION 9-203 APPOINTMENT OF JUDGE, ALTERNATE JUDGE.

- A. Judges shall be appointed by the Mayor with the consent of the Town Board of Trustees. A proposed appointment shall be submitted in writing to the Town Board of Trustees 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 Town Board of Trustees may decide upon the proposed appointment by a majority vote of all the member of the Board of Trustees. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the Board of Trustees unless the major, in writing, withdraws the proposed appointment.
- B. There may be appointed for each judge of the Court an Alternate Judge possessed of the same qualifications as the Judge. His appointment shall be for the same term and made in the same manner as the Judge. He shall sit, as judge of the Court in any case of the Judge is absent from court, unable to act as judge, or disqualified from acting as judge in the case.
- C.

SECTION 9-204 ACTING JUDGE.

If at any time there is no judge duly appointed and qualified available to sit as judge, a person possessing the qualifications required by this Chapter for the Judge shall be appointed as Acting Judge. The Acting Judge shall preside as Acting Judge over the Court in the disposition of pending matters until such time as a Judge or Alternate Judge shall be available.

SECTION 9-205 COMPENSATION.

A Judge shall receive such salary as may be established and shall be paid as established by the Town.

SECTION 9-206 REMOVAL OF JUDGE FROM OFFICE.

The Municipal Judge of the Town of Kiefer, and any alternate Municipal Judge, shall be subject to removal from office by the governing body of the Town of Kiefer at any time by a majority vote at the discretion of the Board of Trustees of the Township. Said removal shall be for any basis, for cause, or not, at the sole discretion of the Board of Trustees.

Judgment of removal shall be entered only upon individual votes, by a majority of all members of the Board of Trustees, in favor of such removal.

SECTION 9-207 VACANCY.

- A. A vacancy in the office of judge shall occur if the incumbent:
 - 1. Dies;
 - 2. Resigns;
 - 3. Ceases to possess the qualifications for the office; or
 - 4. Is removed, and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review.
- B. Upon the occurrence of a vacancy in the office of judge, the majority shall appoint a successor to complete the unexpired term, upon the same procedure as an original appointment is made.

PART 10

FINANCE AND TAXATION

CHAPTER 1

FINANCES GENERALLY

Section 10-101	Investments.
Section 10-102	Depositories designated, deposit of funds.
Section 10-103	Funds secured by unit collateral system.
Section 10-104	Purchasing procedure.
Section 10-105	When bidding not required.
Section 10-106	Disposition of surplus, obsolete materials, bidding.

CHAPTER 2

SALES TAX

Section 10-201	Citation of Chapter.
Section 10-202	Definitions.
Section 10-203	Classification of taxpayers.
Section 10-204	Subsisting State permits.
Section 10-205	Effectiveness.
Section 10-206	Purpose of revenues.
Section 10-207	Tax rate; sales subject to tax.
Section 10-208	Exemptions; sales subject to other tax.
Section 10-209	Exemptions; governmental and nonprofit entities.
Section 10-210	Exemptions; general.
Section 10-211	Exemptions; agriculture.
Section 10-212	Exemptions; manufacturers.
Section 10-213	Exemptions; corporations and partnerships.
Section 10-214	Tax due when; returns.
Section 10-215	Payment of tax; brackets.
Section 10-216	Tax constitutes debt.
Section 10-217	Vendor's duty to collect tax.
Section 10-218	Returns and remittances; discounts.
Section 10-219	Interest and penalties; delinquency.
Section 10-220	Waiver of interest and penalties.
Section 10-221	Erroneous payments; claim for refund.
Section 10-222	Fraudulent returns.
Section 10-223	Records confidential.
Section 10-224	Amendments.
Section 10-225	Provisions cumulative and severable.

CHAPTER 3

USE TAX

Section 10-301	Excise Tax on Storage, Use or Other Consumption of Tangible Personal Property Levied.
Section 10-302	Exemptions.
Section 10-303	Time due; returns; payment.
Section 10-304	Tax constitutes debt.
Section 10-305	Collection of Tax by retailer or vendor.
Section 10-306	Collection of tax by retailer or vendor not maintaining a place of business within State or both within and without State; permits.
Section 10-307	Revoking permits.
Section 10-308	Deductions allowed vendors or retailers of other States.
Section 10-309	Interest and penalties; delinquency.
Section 10-310	Waiver of interest and penalties.
Section 10-311	Erroneous payments; claim for refund.
Section 10-312	Fraudulent Returns; penalty.
Section 10-313	Records Confidential.
Section 10-314	Provisions cumulative and separable.
Section 10-315	Definitions.
Section 10-316	Classification of taxpayers.
Section 10-317	Subsisting State permits.
Section 10-318	Purpose of revenues.

CHAPTER 4

GROSS TAX RECEIPTS

Section 10-401	Power to levy and assess tax; tax in lieu of other taxes.
Section 10-402	Application of tax.
Section 10-403	Tax levied until repealed; payable quarterly; disposition.
Section 10-404	Penalties; failure to pay tax.
Section 10-405	Lien for tax.

CHAPTER 1

FINANCES GENERALLY

Section 10-101	Investments.
Section 10-102	Depositories designated, deposit of funds.
Section 10-103	Funds secured by unit collateral system.
Section 10-104	Purchasing procedure.
Section 10-105	When bidding not required.
Section 10-106	Disposition of surplus, obsolete materials, bidding.

SECTION 10-101 INVESTMENTS.

The Town Treasurer or any other person authorized to invest public monies shall invest the same in those investments authorized by the Town Board of Trustees or authorized by State Law in a manner authorized by either or both such Board of Trustees and statutes.

SECTION 10-102 DEPOSITORIES DESIGNATED, DEPOSIT OF FUNDS.

All banks and financial institutions as are designated by the Town Board of Trustees shall be designated as depositories for the funds of the Town. The Town Treasurer shall deposit daily all public funds received by him in these banks. Funds may be transferred from one depository to another up direction of the Treasurer.

SECTION 10-103 FUNDS SECURED BY UNIT COLLATERAL SYSTEM.

The deposits of the Town shall be secured by the unit collateral system provided by State Law. The provisions of the State Law on the unit collateral system, Sections 516.1 through 516.10 of Title 62 of the Oklahoma Statutes, are hereby adopted insofar as they are applicable to the Town.

SECTION 10-104 PURCHASING PROCEDURE.

- A. All purchases of supplies, materials, equipment and contractual services for the Town shall be made by the Town Board of Trustees or pursuant to authorizations granted by it.
- B. The Town purchasing authority shall contract for and purchase all supplies, material and equipment for the offices, departments and agencies of the Town. The purchasing authority may also transfer to or between offices, departments and agencies, or sell surplus or obsolete supplies, materials and equipment.
- C. No competitive bids shall be required in any event where the costs of supplies, materials, equipment or contractual services do not exceed Fifty Thousand Dollars (\$50,000.00) in a single transaction, or any sale made of property the value of which is more than One Thousand Dollars (\$1,000.00), such contract or sale shall:

1. Be approved by the Town Board of Trustees;
 2. Be submitted for competitive bidding, except as provided in this Chapter;
 3. Have written notice given by the Town purchasing authority for sealed bids for the furnishing of such supplies, materials or equipment where competitive bidding is required hereunder.
- D. The notice required in this section shall state the time and place for filing the bids shall contain an ample description of the supplies, materials and equipment to be purchased or sold, the time and place the bids will be opened, and that all bids may be rejected. The bids shall be in writing and sealed and filed with the Town Clerk prior to the time they are to be opened. The bids may be rejected or the Town may re-advertise for bids, or after due consideration thereof, may award a contract to purchase such supplies, material or equipment from the lowest and best responsible bidder. However, the Town purchasing authority may, at his option, purchase any such materials supplies and equipment through central purchasing of the state.

State Law Reference: Public competitive bidding \$50,000, 61 O.S. Secs. 101 et seq.

SECTION 10-105 WHEN BIDDING NOT REQUIRED.

- A. The following may be purchased without giving an opportunity for competitive bidding:
1. Supplies, materials, equipment or contractual services where cost does not exceed Fifty Thousand Dollars (\$50,000.00) in a single transaction;
 2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer or a sole source vendor, or which have a uniform price wherever bought;
 3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including war surplus, or purchased at auction at a price deemed below that obtainable elsewhere;
 4. Contractual services (gas, electricity, telephone service, and the like) purchased from a public utility at a price or rate determined by the state corporation commission or other government authority;
 5. 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 authorized to regulate prices for things purchased by the state (whether such price is determined by a contract negotiated with a vendor or otherwise);

6. Contractual services of a professional nature, such as engineering, architectural, medical and legal services; or
 7. When an emergency is declared to exist.
- B. The term “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 such services under express or implied contract. Contractual services includes travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; repairs, alterations, and maintenance of buildings, equipment, streets, and bridges, and other physical facilities of the Town; and other services performed for the Town by persons not in the employment of the Town.

SECTION 10-106 DISPOSITION OF SURPLUS, OBSOLETE MATERIALS, BIDDING.

- A. No surplus or obsolete supplies, materials or equipment of a value of more than Two Thousand Five Hundred Dollars (\$2,500.00) may be sold until the procedures outlined in this section have been followed.
- B. The town purchasing authority may sell the following without giving an opportunity for competitive bidding:
1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed Two Thousand Five Hundred Dollars (\$2,500.00) in a single transaction; or
 2. Supplies, materials or equipment when sold at a price at least as great as that paid by the Town for the same; or
 3. Where the Board of Trustees has authorized the sale of surplus property at public auction under such terms, conditions and notice as the Board of Trustees may prescribe or as the Town purchasing authority deems appropriate.

CHAPTER 2

SALES TAX

Section 10-201	Citation of Chapter.
Section 10-202	Definitions.
Section 10-203	Classification of taxpayers.
Section 10-204	Subsisting State permits.
Section 10-205	Effectiveness.
Section 10-206	Purpose of revenues.
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Section 10-210	Exemptions; general.
Section 10-211	Exemptions; agriculture.
Section 10-212	Exemptions; manufacturers.
Section 10-213	Exemptions; corporations and partnerships.
Section 10-214	Tax due when; returns.
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Section 10-219	Interest and penalties; delinquency.
Section 10-220	Waiver of interest and penalties.
Section 10-221	Erroneous payments; claim for refund.
Section 10-222	Fraudulent returns.
Section 10-223	Records confidential.
Section 10-224	Amendments.
Section 10-225	Provisions cumulative and severable.

SECTION 10-201 CITATION OF CHAPTER.

This Chapter shall be known and may be cited as the "Town of Kiefer, Oklahoma, Sales Tax Ordinance".

State Law Reference: State Sales Tax provisions, 68 O.S. Secs. 1350, et seq.; Town powers, procedures to levy, 68 O.S. Secs. 2701 et seq.

SECTION 10-202 DEFINITIONS.

- A. The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, 68 O.S. Section 1352, and Sections 596 and 793 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this Chapter.

- B. The term “tax collector,” as used herein, shall mean the Department of the Town or the official agency of the State duly designated according to Law or contract authorized by Law to administer the collection of the tax herein levied.

Ed. Note: Sections 596 and 793 of Title 37 define sales to include sales of ice or beverages for mixing with alcoholic beverages for consumption on premises.

SECTION 10-203 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 10-204 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 10-205 EFFECTIVENESS.

This Chapter shall become and be effective, including its most current level, subject to the approval of a majority of the registered voters of the Town of Kiefer, Oklahoma, voting on the same, in the manner prescribed by Oklahoma Statutes.

SECTION 10-206 PURPOSE OF REVENUES.

It is hereby declared to be the purpose of this Sales Tax Ordinance to provide revenues for the support of all of the functions of the Municipal Government of the Town of Kiefer, Oklahoma.

SECTION 10-207 TAX RATE; SALES SUBJECT TO TAX.

- A. There is hereby levied an excise tax of four point five percent (4.5%) upon the gross proceeds or gross receipts and uses derived from all sales taxable under the Sales Tax Law of Oklahoma, including but not exclusively of the following.
1. Tangible personal property;
 2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water;
 3. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire;

4. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message;
5. Printing or printed matter of all types, kinds, and characters and the service of printing or over-printing;
6. Service of furnishing rooms or accommodations by hotel, apartment hotel, public rooming house, motel, public lodging house, tourist camps and mobile home or trailer parks or camps;
7. Service of furnishing storage or parking privileges by auto hotels and parking lots;
8. Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;
9. Advertising of all kinds, types and characters, including any and all devices used for advertising purposes and the servicing of any advertising devices, except as provided elsewhere in this Chapter;
10. Dues or fees to clubs, and the sale of tickets or admission to places of amusement, to athletic, entertainment or recreational events, or dues or fees for the privilege of having access to, or the use of, amusement, entertainment, athletic or recreational facilities (including free or complimentary passes, tickets, dues or fees which are hereby declared to have a value equivalent to the sale price of tickets, passes, admissions, fees or dues of like kind or character);
11. For the purpose of this Chapter, sales of service or tangible personal property made for the purpose of developing real estate, even though such real estate is intended for resale as real property, are hereby declared to be sales to consumers or users; sales of service and tangible personal property, including materials, supplies and equipment made to contractors who use the same in the performance of any contract, are hereby declared to be sales to consumers or users and not sales for resale; sales of tangible personal property to persons who are primarily engaged in selling their services shall be deemed sales to consumers or users and, therefore, taxable; sales of tangible personal property to peddlers, solicitors and other salesmen who do not have established places of business, shall be deemed to be sales to consumers or users, and therefore, taxable.
12. A sale shall include the sale, preparation or service of ice or nonalcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages, for consumption on the premises where such sale, preparation or service occurs.

- B. One percent (1%) of the sales tax specified herein is restricted so that one half (1/2) of said one percent (1%) shall be used strictly for fire fighters, rescue and police or emergency services, facilities or equipment with the balance of one half (1/2) one percent (1%) being restricted for purposes of roads, alleyways, easements and drainage needs.

SECTION 10-208 EXEMPTIONS; SALES SUBJECT TO OTHER TAX.

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

1. Sale of gasoline or motor fuel on which the Motor Fuel Tax, Gasoline Excise Tax or Special Fuels Tax has been paid to the State of Oklahoma;
2. Sale of motor vehicles, attached optional equipment and accessories on which the Oklahoma Motor Vehicle Excise Tax levied by State Law has been paid;
3. Sale of crude petroleum or natural or casinghead gas and other products subject to Gross Production Tax under State Law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the Gross Production Tax levied by the Laws of this State; and
4. Sale of aircraft on which the tax levied by applicable State Law has been paid; provided, that, this exemption shall not apply until after July 1, 1984; and

SECTION 10-209 EXEMPTIONS; GOVERNMENTAL AND NONPROFIT ENTITIES.

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

1. Sales to the United States Government, State of Oklahoma or an of its political subdivisions;
2. 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;
3. 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;
4. 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;

5. 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;
6. Sales of tangible personal property or services to the Council Organizations or similar State supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Girls;

SECTION 10-210 EXEMPTIONS; GENERAL.

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

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;
2. Transportation of persons where the fare of each person does not exceed the limits established by State Law, or local transportation of persons within the corporate limits of Cities and Towns, except by taxicab;
3. Carrier sales made directly to consumers or users of newspapers or any other periodicals where any individual transaction does not exceed the limits established by State Law;
4. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the State, provided that such sales to residents of this State are made to persons to whom sales tax permits have been issued by the Oklahoma Tax Commission as provided by Law. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a Sales Tax Permit;
5. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television.
6. All other applicable exemptions granted by future amendments to Oklahoma's Sales Tax Statutes.

SECTION 10-211 EXEMPTIONS; AGRICULTURE.

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

1. Sales of raw products from the farm, orchard or garden where such sales is made by the producer of such raw products directly to the consumer or user; gross receipts or gross proceeds derived from the sale of livestock, poultry products and dairy products by the producers; exemptions granted by this Subsection shall not apply when such articles are sold, even though by the producer thereof, at or from an “established business place” not on a farm; neither shall this exemption apply unless said articles are produced or grown within the State of Oklahoma; the provisions of this Subsection are intended to exempt the sale by livestock producers of livestock sold at special livestock sales; the provisions of this Subsection are intended to exempt the sale of dairy products when sold by a dairyman or farmer who owns all of the cows from which the dairy products he sells are produced; the provisions of this Subsection shall not be construed to exempt sales by florists, nurserymen and chicken hatcheries;
2. Exemptions of poultry, livestock feed and farm machinery, as prescribed by the State Sales Tax Code, shall be equally applicable as exemptions from the tax herein levied;
3. Gross proceeds from the sale of baby chicks, turkey poultts and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the seller that the pullets will be used primarily for egg production;
4. Sales of agricultural fertilizer to any person engaged for profit in the business of supplying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching.
5. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming and/or ranching. This section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;
6. Sales of agriculture seed or plants to any person regularly engaged, for profit, in the business of farming and/or ranching; this Section shall not be construed as exempting from Sales Tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;
7. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching.
8. Gross proceeds from the sale of farm machinery and repair parts thereto, to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands.

SECTION 10-212 EXEMPTIONS; MANUFACTURERS.

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

1. Goods, wares, merchandise and property sold for use in manufacturing, compounding, processing, assembling or preparing for sale shall be classified as having been sold for the purpose of resale or the subject matter of resale, only in the event:
 - a. Such goods, wares, merchandise or property are purchased for the purpose of being manufactured into a finished article and if it becomes a recognizable and integral part of the manufactured, compounded, processed, assembled or prepared products; or
 - b. If it is consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale;
2. Sale of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma; provided, that, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation hereunder; the term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
3. 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; provided, that, this exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, unless a tax under this Chapter is collected and paid to the tax collector with respect to each and every transfer by such person of title or possession of such returnable container, if made to any consumer or user within this State; nor shall it apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;
4. 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; or

SECTION 10-213 EXEMPTIONS; CORPORATIONS AND PARTNERSHIPS.

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

1. From one (1) corporation to another corporation pursuant to a reorganization. As used in this Subsection the term “reorganization” means
 - a. A statutory merger or consolidation; or
 - b. The acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;
2. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;
3. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to 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; and
5. From a partnership to the members thereof when made in kind in the dissolution of such partnership; and
6. 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 10-214 TAX DUE WHEN; RETURNS.

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

SECTION 10-215 PAYMENT OF TAX; BRACKETS.

- A. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form provided for payment of State Sales Tax under the Sales Tax Law of Oklahoma.
- B. The bracket system for the collection of the four percent (4%) Municipal Sales Tax by the tax collector, shall be as the same as hereafter adopted by the agreement of the Town of Kiefer, Oklahoma, and the tax collector in the collection of both the four percent (4%) Municipal Sales Tax and the State Sales Tax.

SECTION 10-216 TAX CONSTITUTES DEBT.

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

SECTION 10-217 VENDOR'S DUTY TO COLLECT TAX.

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor and it shall be the duty of each and every vendor in this Municipality to collect from the consumer or user, the full amount of the tax levied by this 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 the vendor until paid, and shall be recoverable by Law in the same manner as other debts.
- C. A vendor, as defined herein, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this Chapter, or willfully or intentionally fails, neglects or refuses to comply with these provisions, or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied; or makes in any form of advertising, (verbally or otherwise) any statement which infers that the vendor is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices, at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense.

SECTION 10-218 RETURNS AND REMITTANCES; DISCOUNTS.

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

SECTION 10-219 INTEREST AND PENALTIES; DELINQUENCY.

Section 217 of Title 68 O.S. 1991 of the Oklahoma Statutes is adopted and made a part of this Part, 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 such delinquency continues for a period of five (5) days, the taxpayer shall forfeit all claim to any discount allowed under this Chapter.

SECTION 10-220 WAIVER OF INTEREST AND PENALTIES.

The interest, penalty or any portion thereof, accruing by reason of a taxpayer's failure to pay the Municipal Sales Tax herein levied, may be waived or remitted in the same manner provided for said waiver or remittance, as applied in administration of the State Sales Tax provided in Title 68, O.S. 1991, Section 220; to accomplish the purposes of this Section, the applicable provisions of said Section 220 of the Oklahoma Statutes are adopted by reference and made a part of this Chapter.

SECTION 10-221 ERRONEOUS PAYMENTS; CLAIM FOR REFUND.

Refund or erroneous payment of the Municipal Sales Tax herein levied may be made to any taxpayer making such erroneous payment, in the same manner and procedure and under the same limitations of time, as provided for administration of the State Sales Tax as set forth in Title 68, O.S. 1991, Section 227 and, to accomplish the purposes of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Chapter.

SECTION 10-222 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this Chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment or 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 of not more than the limits established in this Code of Ordinances.

SECTION 10-223 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the Municipal Sales Tax is legislatively recognized and declared; and to protect the same the provisions of Title 68, O.S. 1991 (as amended), Section 205 of the State Sales Tax Code, and each Subsections thereof, are hereby adopted by reference and made fully effective and applicable to administration of the Municipal Sales Tax, as if here set forth herein in full.

SECTION 10-224 AMENDMENTS.

The people of the Town of Kiefer, Oklahoma, by their approval of these Ordinances at the elections hereinbefore noted, have authorized the Town Board of Trustees, by Ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcement of this Chapter as may be necessary or proper for efficiency and fairness; provided, that, the rate of the tax herein provided shall not be changed without approval of the qualified electors of the Municipality as provided by law.

SECTION 10-225 PROVISIONS CUMULATIVE AND SEVERABLE.

1. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of Municipal Ordinances.
2. The provisions hereof are hereby declared to be severable, and if any Section, paragraph, sentence or clause of this Chapter is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other Section, paragraph, sentence or clause hereof.

CHAPTER 3

USE TAX

Section 10-301	Excise Tax on Storage, Use or Other Consumption of Tangible Personal Property Levied.
Section 10-302	Exemptions.
Section 10-303	Time due; returns; payment.
Section 10-304	Tax constitutes debt.
Section 10-305	Collection of Tax by retailer or vendor.
Section 10-306	Collection of tax by retailer or vendor not maintaining a place of business within State or both within and without State; permits.
Section 10-307	Revoking permits.
Section 10-308	Deductions allowed vendors or retailers of other States.
Section 10-309	Interest and penalties; delinquency.
Section 10-310	Waiver of interest and penalties.
Section 10-311	Erroneous payments; claim for refund.
Section 10-312	Fraudulent Returns; penalty.
Section 10-313	Records Confidential.
Section 10-314	Provisions cumulative and separable.
Section 10-315	Definitions.
Section 10-316	Classification of taxpayers.
Section 10-317	Subsisting State permits.
Section 10-318	Purpose of revenues.

SECTION 10-301 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF TANGIBLE PERSONAL PROPERTY LEVIED.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the Town of Kiefer, Oklahoma, tangible, personal property purchased or brought into this Municipality, an excise tax on the storage, use or otherwise consuming within the Municipality of such property at the rate of four percent (4%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the Municipality, tangible, personal property purchased or brought into the Municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the Municipality and shall be assessed to only property purchased outside Oklahoma; provided, that, the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the Municipality, but which is stored in the Municipality pending shipment outside the Municipality or which is temporarily retained in the Municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the Use Tax authorized herein, may deduct from such Use Tax any local or Municipal Sales Tax previously paid on such goods or services; provided, that, the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the Municipality had been levied on the sale of such goods or services.

SECTION 10-302 EXEMPTIONS.

The provisions of this Chapter shall not apply:

1. In respect to the use of an article of tangible, personal property brought into the Municipality by a non-resident individual visiting in this Municipality for his or her personal use or enjoyment while within the Municipality;
2. In respect to the use of tangible, personal property purchased for re-sale before being used;
3. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the Town of Kiefer, Oklahoma, Use Tax Ordinance, has been paid by the person using such tangible, personal property in the Municipality, whether such tax was levied under the Laws of Oklahoma or some other State or Municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other State or Municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the Town of Kiefer, Oklahoma, Use Tax Ordinance, the provisions of this Chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the Town of Kiefer, Oklahoma, Use Tax Ordinance, and the rate by which the previous tax upon the sale or use was computed; provided, that, no credit shall be given for taxes paid in another State or Municipality, if that State or Municipality does not grant like credit for taxes paid in Oklahoma and the Municipality;
4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the Municipality, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in the machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to the taxation under the Sales Tax Code of the Town of Kiefer, Oklahoma. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
5. In respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the Town of Kiefer, Oklahoma;
6. In respect to the use of any article of tangible, personal property brought into the Municipality by an individual with intent to become a resident of this Municipality where such personal property is for such individual's personal use or enjoyment;
7. In respect to the use of any article of tangible personal property used, or to be used, by commercial airlines or railroads; or

8. In respect to livestock purchased outside Oklahoma and brought into this Municipality for feeding or breeding purposes, and which is later re-sold.

SECTION 10-303 TIME DUE; RETURNS; PAYMENT.

The tax levied Chapter by this is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

SECTION 10-304 TAX CONSTITUTES DEBT.

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

SECTION 10-305 COLLECTION OF TAX BY RETAILER OR VENDOR.

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

SECTION 10-306 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE; PERMITS.

The Oklahoma Tax Commission may, at its discretion, upon application, authorize the collection of the Use Tax herein levied by any retailer or vendor not maintaining a place of business within this State but who makes sales of tangible personal property for use in this Municipality, and by the out-of-State place of business of any retailer or vendor maintaining places of business both within and without Oklahoma and making sales of tangible, personal property at such out-of-State place of business for use in this Municipality. Such retailer or vendor may be issued, without charge, a Permit to collect such taxes, by said Tax Commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the Use Tax upon all tangible, personal property sold to his knowledge for use within this Municipality. Such authority and Permit may be canceled when, at any time, said Tax Commission considers that such Use Tax can more effectively be collected from the person using such property in this Municipality; provided, however, that, in all instances where such sales are made or completed by delivery to the purchaser within this Municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall

continue to be subject to applicable Municipal Sales Tax at the point of delivery and the tax shall be collected and reported under the taxpayer's Sales Tax Permit number accordingly.

SECTION 10-307 REVOKING PERMITS.

Whenever any retailer or vendor not maintaining a place of business in this State, or both within and without this State, authorized to collect the Use Tax herein levied, fails to comply with any of the provisions of this Chapter or the Oklahoma Use Tax Code or any order, rules or regulations of the Oklahoma Tax Commission, said Tax Commission may, upon notice and hearing as provided for in 68 O.S. 1991, Section 1408, by order, revoke the Use Tax Permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this State may, after the notice and hearing above provided, cancel said corporation's License to do business in this State and shall issue a new License only when such corporation has complied with the obligations under this Chapter, the Oklahoma Use Tax Code, or any order, rules or regulations of the Oklahoma Tax Commission.

SECTION 10-308 DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES.

Returns and remittances of the Use Tax herein levied and collected shall be made to the Oklahoma Tax Commission at the time and in the manner, form and amount prescribed for returns and remittances required by the Oklahoma Use Tax Code; remittances of Use Taxes collected hereunder shall be subject to the same discount as may be allowed by said Code for the collection of State Use Taxes.

SECTION 10-309 INTEREST AND PENALTIES; DELINQUENCY.

Section 217 of Title 68 O.S. 1991, is hereby adopted and made a part of this Chapter, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the Use Tax levied by this Chapter; provided, that, the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of Use Tax in the time and manner required by this Chapter shall cause such Tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this Chapter.

SECTION 10-310 WAIVER OF INTEREST AND PENALTIES.

The interest or penalty, or any portion thereof, accruing by reason of a retailer's or vendor's failure to pay the Use Tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. 1991, Section 227; to accomplish the purposes of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Chapter.

SECTION 10-311 ERRONEOUS PAYMENTS; CLAIM FOR REFUND.

Refund of erroneous payment of the Municipal Use Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time provided for administration of the State Use Tax as set forth in 68 O.S. 1991, Section 227; to accomplish the purpose of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Chapter.

SECTION 10-312 FRAUDULENT RETURNS; PENALTY.

In addition to all civil penalties provided by this Chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any Use Tax, or portion thereof, the offending taxpayer shall be punished by a fine in an amount not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances.

SECTION 10-313 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the Municipal Use Tax is legislatively recognized and declared, and to protect the same, the provisions of 68 O.S. 1991, Section 205, of the State Use Tax Code, and each Subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the Municipal Use Tax, as if herein set forth in full.

SECTION 10-314 PROVISIONS CUMULATIVE AND SEPARABLE.

1. The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of Municipal Ordinances.
2. The provisions hereof are hereby declared to be separable, and if any Section, paragraph, sentence or clause of this Chapter, is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other Section, paragraph, sentence or clause hereof.

SECTION 10-315 DEFINITIONS.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1401, 68 O.S. 1991, are hereby adopted by reference and made a part of this Chapter; in addition thereto, the following words and terms shall be defined as follows:

1. "Tax Collector" as used herein, means the Department of the Municipality or the official agency of the State, duly designated according to Law or contract authorized by Law, to administer the collection of the Use Tax herein levied.
2. "Town" means the Town of Kiefer, Oklahoma.

3. "Transaction" means sale.

SECTION 10-316 CLASSIFICATION OF TAXPAYERS.

For the purpose of this Chapter, the classification of taxpayers hereunder shall be as prescribed by State Law for purposes of the Oklahoma Use Tax Code.

SECTION 10-317 SUBSISTING STATE PERMITS.

All valid and subsisting Permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Use Tax Code are, for the purpose of this Chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional Municipal Permit for the same purpose.

SECTION 10-318 PURPOSE OF REVENUES.

It is hereby declared to be the purpose of this Chapter to provide revenues for the support of the functions of the Municipal Government of the Town of Kiefer, Oklahoma, and any and all revenues derived hereunder may be expended by the Town Board of Trustees for any purpose for which funds may be lawfully expended and authorized.

CHAPTER 4

GROSS TAX RECEIPTS

Section 10-401	Power to levy and assess tax; tax in lieu of other taxes.
Section 10-402	Application of tax.
Section 10-403	Tax levied until repealed; payable quarterly; disposition.
Section 10-404	Penalties; failure to pay tax.
Section 10-405	Lien for tax.

SECTION 10-401 POWER TO LEVY AND ASSESS TAX; TAX IN LIEU OF OTHER TAXES.

The Town Board of Trustees, being vested with power so to do, does hereby levy and assess an annual tax upon the gross receipts from residential and commercial sales of power, light, heat, electricity, water or both natural and liquefied petroleum gas and the exploration and drilling for oil, gas and hydrocarbon products in the Town of Kiefer, Oklahoma, in the amount of three percent (3%) of the gross receipts from said residential and commercial sales; this tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the Town of Kiefer, Oklahoma.

SECTION 10-402 APPLICATION OF TAX.

The tax authorized to be levied under Section 10-401 (above) of this Chapter shall be levied at the time this Chapter shall take effect and shall apply to all persons, firms, associations or corporations engaged in the business of furnishing power, light, heat, electricity, water or both natural and liquefied petroleum gas in the Town of Kiefer, Oklahoma; it shall not apply to any person, firm, association or corporation operating under a valid franchise from the Town of Kiefer, Oklahoma, and said exception shall be so stated in said valid franchise.

SECTION 10-403 TAX LEVIED UNTIL REPEALED; PAYABLE QUARTERLY; DISPOSITION.

This tax that is now levied under Section 10-401 of this Chapter shall be levied for a term of not less than one (1) year and shall continue in effect until further amended or repealed; said tax shall be payable quarterly to the Town Clerk-Treasurer of the Town of Kiefer, Oklahoma, and placed in the General Fund of said Town.

SECTION 10-404 PENALTIES; FAILURE TO PAY TAX.

Should any person, firm or corporation fail or refuse to pay such tax when levied, action may be taken against such person, firm or corporation for the amount of such tax; all expenses for collection of the same, including reasonable attorney fees, shall be paid by the party or parties that said action is taken against.

SECTION 10-405 LIEN FOR TAX.

The Tax so imposed shall constitute a first and prior lien on all the assets located within the Town of Kiefer, Oklahoma, of any person, firm or corporation engaged in the business of selling power, light, heat, electricity, water or natural and liquefied petroleum gas.

PART 11

HEALTH AND NUISANCES

CHAPTER 1

NUISANCES AND HEALTH GENERALLY

Section 11-101	Definitions.
Section 11-102	Nuisance defined.
Section 11-103	Certain public nuisances defined.
Section 11-104	Nuisance prohibited.
Section 11-105	Person responsible for continuing nuisance.
Section 11-106	Time does not legalize nuisance.
Section 11-107	Remedies against public nuisances.
Section 11-108	Remedies against private nuisances.
Section 11-109	Town has power to define and summarily abate nuisance.
Section 11-110	Summary abatement of nuisances.
Section 11-111	Health nuisances; abatement.
Section 11-112	Town actions not to jeopardize private action.
Section 11-113	Unauthorized dumping, depositing or disposal of trash on property of another.
Section 11-114	Open burning prohibited.
Section 11-115	Abatement by suit in district court.
Section 11-116	Procedure cumulative.
Section 11-117	Obstructing health or enforcement officer.
Section 11-118	Littering prohibited generally.
Section 11-119	Abandoned ice boxes, refrigerators and containers.
Section 11-120	Junk yards prohibited.
Section 11-121	Salvage yards prohibited.
Section 11-122	Penalty.

CHAPTER 2

WEEDS, GRASS AND TRASH

Section 11-201	Definitions.
Section 11-202	Accumulation of trash or weeds unlawful.
Section 11-203	Duty of owner, occupant to maintain private property.
Section 11-204	Reports of accumulation of grass, weeds or trash on property.
Section 11-205	Cleaning and mowing, notice, consent, hearing, abatement, lien and payment.
Section 11-206	Penalty.

CHAPTER 3

DILAPIDATED BUILDINGS

Section 11-301	Definitions.
Section 11-302	Removal of unsafe and dilapidated structures.
Section 11-303	Clearing up of premises from which buildings have been removed.
Section 11-304	Cleaning and moving of property
Section 11-305	Penalty.

CHAPTER 4

FOOD AND MILK REGULATIONS

ARTICLE A

FOOD SERVICE SANITATION

Section 11-401	Food service regulations adopted.
Section 11-402	Permit.

ARTICLE B

MILK AND MILK PRODUCTS

Section 11-420	Milk Ordinance adopted.
Section 11-421	Penalty.

CHAPTER 5

MUNICIPAL HEALTH OFFICER

Section 11-501	Municipal Health Officer appointed.
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CHAPTER 6

CONTAGIOUS DISEASES

Section 11-601	Introducing diseases.
Section 11-602	Report of contagious diseases.
Section 11-603	Quarantine.

CHAPTER 7

SANITARY FACILITIES

Section 11-701	Definitions.
Section 11-702	Owner to provide proper toilet facilities.
Section 11-703	Proper disposal of human excrement required.
Section 11-704	Unauthorized facilities declared public nuisances.

CHAPTER 8

PENALTY

Section 11-801	Penalty.
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CHAPTER 9

REMEDIATION

Section 11-901	Purpose
Section 11-902	Definition
Section 11-903	Reports of Hazardous Waste
Section 11-904	Prohibition of Occupancy
Section 11-905	Notice of Contamination
Section 11-906	Assessment and Remediation
Section 11-907	Acceptable Level of Contamination
Section 11-908	Cleanup and Safety Standards
Section 11-909	Final Report

CHAPTER 1

NUISANCES AND HEALTH GENERALLY

Section 11-101	Definitions.
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Section 11-115	Abatement by suit in district court.
Section 11-116	Procedure cumulative.
Section 11-117	Obstructing health or enforcement officer.
Section 11-118	Littering prohibited generally.
Section 11-119	Abandoned ice boxes, refrigerators and containers.
Section 11-120	Junk yards prohibited.
Section 11-121	Salvage yards prohibited.
Section 11-122	Penalty.

SECTION 11-101 DEFINITIONS.

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

1. “Junk Motor Vehicle” means any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor Vehicle Safety Inspection Certificate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.
2. “Litter” means trash, refuse, rubbish and all like material.
3. “Motor Vehicle” means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers.

4. "Owner" means the owner(s) of record as shown by the most current tax rolls of the Creek County Treasurer;
5. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
6. "Private Nuisance" means every nuisance not included in Section 11-102 of this section; and
7. "Private Property" means any real property within the City which is privately owned and which is not public property as defined in this Section.
8. "Public Nuisance" means a nuisance 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.
9. "Public Property" means any street, alley or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

SECTION 11-102 NUISANCE DEFINED.

A nuisance consists of unlawfully doing an act, omitting 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 public decency;
3. Unlawfully interferes with, obstructs, tends to obstruct or render dangerous for use, any lake drainageway, stream, stream basin, public park, street or other public property; or
4. In any way renders other persons insecure in life or in the use of property;

SECTION 11-103 CERTAIN PUBLIC NUISANCES DEFINED.

In addition to other public nuisances declared by other sections of this Code or Law, the following are hereby declared to be public nuisances:

1. The sale or offering for sale of unwholesome food or drink or the keeping of a place where such sales or offerings are made;
2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the State Law or Ordinances of the Town; or the keeping of a place where intoxicating liquor is

sold, offered for sale, or furnished in violation of the State Law or Ordinances of the Town;

3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
5. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;
6. The keeping of a place where activities in violation of State Law or Ordinance are practiced or carried on;
7. The conduct of holding of public dances in violation of the Ordinances of the Town; or the keeping of a place where such dances are held;
8. The public exposure of a person having a contagious disease;
9. The continued making of loud or unusual noises, music or sounds, or strong vibrations which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
10. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others;
11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by Law or Ordinances;
12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or;
13. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;
14. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin or disease germs; and the premises on which such exist; or in the road easement and any drainage ditch adjoining said property;

15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
16. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
17. Any fire or explosion hazard which endangers the public safety;
18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate is required by Law for vehicles used on the public highways, when stored or kept in a residence district;
20. The following motor vehicles are hereby declared to be nuisances: motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative or discarded or left about the Town in places other than authorized junkyards or other areas authorized by the Board of Trustees and which tend to:
 - a. Vehicles which are abandoned on public streets or rights of way for a period in excess of 48 hours;
 - b. Vehicles which are found in a dismantled, wrecked, inoperative or junked condition on either public or private property for a period in excess of 30 days with the exception of licensed garages, repair facilities or junk yards;
 - c. Any vehicle that is left unattended on a public street or right of way so as to endanger the public welfare or impede travel;
 - d. Any vehicle wherever located that if found to be leaking fluids that are flammable or that otherwise endanger the public or constitute a fire or safety hazard as determined by the Kiefer Police or Fire Department;
 - e. Any vehicle that does not properly exhibit a current license or tag.
21. Permitting bagworms to be upon any trees or other plants within the Town;
22. Permitting foul, noxious or offensive odors to escape from premises; or unusual quantities of dust or other deleterious substances to escape or emanate across the property line upon which the same originates;
23. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this Town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation;

24. The keeping in violation of Sections 4-101 et seq. of any dog kennels within this Town for the breeding and raising of dogs that shall become offensive or annoying to the public by reason of the barking and noise made by the animals therein contained;
25. Any vault, cesspool or sink used to receive human excrement, slops, garbage, refuse or other filthy substance;
26. Any pond, slop, trash, refuse, cobs manure, decayed or decaying vegetable matter, left, kept or maintained in such condition as to endanger the public health;
27. The keeping of any hog pen within the limits of this Town in violation of this Code;
28. Every privy or water closet which shall be in an overflowing, leaking or filthy condition, or in a condition dangerous, injurious or annoying to the comfort, health and welfare of any resident of this Town;
29. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this Town;
30. Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle in this Town; and
31. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this Town or its inhabitants from any cause.

The enumeration in Subsection A hereof 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 11-104 NUISANCE PROHIBITED.

It shall be unlawful for any person (owner, lessee or other) to create or maintain a nuisance, or to permit a nuisance to remain on premises under said person's control, within the corporate limits of the Town of Kiefer, Oklahoma.

SECTION 11-105 PERSON RESPONSIBLE FOR CONTINUING NUISANCE.

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

SECTION 11-106 TIME DOES NOT LEGALIZE NUISANCE.

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

SECTION 11-107 REMEDIES AGAINST PUBLIC NUISANCES.

The possible remedies against a public nuisance are:

1. Prosecution on complaint before the Municipal Court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement;
 - a. By the person injured; or
 - b. By the Municipality, in accordance with State Law or Ordinance.

SECTION 11-108 REMEDIES AGAINST PRIVATE NUISANCES.

The possible remedies against a private nuisance are:

1. Civil action; or
2. Abatement:
 - a. By the person injured; or
 - b. By the Municipality, in accordance with State Law or Ordinance.

SECTION 11-109 TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCE.

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the Town Board of Trustees is empowered to determine what is and what shall constitute a nuisance within its corporate limits of the Town of Kiefer, Oklahoma, and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits.

SECTION 11-110 SUMMARY ABATEMENT OF NUISANCES.

1. Whenever it is practical to do so, the Town Board of Trustees has the power summarily to abate any such nuisance, after notice to the owner and opportunity to be heard, if this can be done.
2. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one (1) or more persons or the public generally, and it is recognized that, in such circumstances, the Mayor (or a representative) may be justified or required 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.
3. The Fire Chief, the Chief of Police, the Town Attorney, the Health Official, any Trustee, any resident of the Town of Kiefer, Oklahoma, or any other officer subordinate to the Town Board of Trustees, may submit to said Town Board, a statement as to the existence of a nuisance as defined by State Law or the Ordinances of the Town, and a request or recommendation that it be abated.
4. The Town Board of Trustees shall determine whether or not the alleged nuisance is a nuisance in fact, and before proceeding to have the nuisance abated, said Town Board shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for, or to be causing, the nuisance, 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 and by posting at the offending address or by service (by a Police Officer), if their names and addresses are known; if the names and addresses are not known, and the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a newspaper of general circulation within the Town or County, and by posting at the offending address.
5. If the Town Board of Trustees finds that a nuisance does in fact exist, it shall direct the owner and/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, persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the Town Board of Trustees shall direct the Mayor or Town Administrator to abate the nuisance or have it abated, if summary abatement is practical.
6. The Town Clerk-Treasurer shall send a statement of the cost of such summary abatement to the owner and/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 of the

Town may be collected, or the costs may be added to the town or PWA fees imposed on said property until paid in full.

7.

SECTION 11-111 HEALTH NUISANCES; ABATEMENT.

1. The Local or County Health Official shall have the authority to order, in writing, the owner or occupant of any private premises in the Town to remove from such premises, within a reasonable length of time and at the owner's 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; failure to do so shall constitute an offense. Such order shall be served on the owner or occupant (or agent) of the premises by the Local or County Health Official, or a police officer. If the premises are unoccupied and the residence of the owner, occupant or agent, if known, is outside the State, the order may be served by posting a copy thereof of the premises or by publication in at least one (1) issue of a newspaper having a general circulation in the Town or County.
2. If the order is not complied with, the Health Official may cause the order to be executed, and the cost thereof shall be certified to the Town Clerk-Treasurer; the cost of abating such nuisance shall be added to the Municipal utility bill of the owner or occupant (if a user of any Municipal utility service) and shall become due and payable and be 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 Municipal utility service, such costs, after certification to the Town Clerk-Treasurer, may be collected in any manner in which any other debt due the Town may be collected

SECTION 11-112 TOWN ACTIONS NOT TO JEOPARDIZE PRIVATE ACTION.

Nothing herein contained shall be construed to abridge the rights of citizens of the Town to bring and maintain actions in the proper courts for the abatement of private nuisances or those specially injurious to them.

SECTION 11-113 UNAUTHORIZED DUMPING, DEPOSITING OR DISPOSAL OF TRASH ON PROPERTY OF ANOTHER.

- A. It is unlawful to place, deposit, or leave any trash, debris, refuse or garbage on the property of another or on public property, including any public street, easement, sidewalk or other public property, except where such disposal is expressly allowed by law.
- B. It is unlawful for any person to place, deposit, leave or dispose of trash, garbage, refuse or debris in any dumpster or trash receptacle that is located on the property of another without the express consent of the person on whose property the dumpster or trash receptacle is located.

SECTION 11-114 OPEN BURNING PROHIBITED.

It is unlawful to burn any fire outside of any enclosed building in the Town for the purpose of burning grass, trash, leaves, weeds, papers, refuse, garbage or any other substance except in an approved incinerator or by obtaining a permit and payment of such fee as set by the Town, or by approval by the fire department as may be allowed by the Town Fire Code and any applicable State or Town Regulations.

SECTION 11-115 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.

SECTION 11-116 PROCEDURE CUMULATIVE.

The various procedures for abating nuisances prescribed by this Part and by other provisions of State Law and Ordinances shall be cumulative one to the other. The Town Board of Trustees may elect to follow any such procedure which is applicable in abating any particular nuisance.

SECTION 11-117 OBSTRUCTING HEALTH OR ENFORCEMENT OFFICER.

It is unlawful for any person to willfully obstruct or interfere with any health officer of other code enforcement officer charged with the enforcement of the health or nuisance laws of this Town.

SECTION 11-118 LITTERING PROHIBITED GENERALLY.

No person shall throw, place, leave, drop, put or otherwise abandon litter upon any public property, private property or roadway except as otherwise specifically permitted in this Code.

SECTION 11-119 ABANDONED ICE BOXES, REFRIGERATORS AND CONTAINERS.

It shall be unlawful for any person, firm or corporation, to leave in a place accessible to children, any abandoned or discarded ice box, refrigerator or other container which has an air-tight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator or container, without first removing the door, lock or fastener.

SECTION 11-120 JUNK YARDS PROHIBITED.

It is unlawful for any person to build or maintain a junk yard or to place on Town lots, within the Town, a junk yard or material commonly found in junk yards such as old car bodies, old vehicles, wrecked vehicles, old second-hand materials commonly found a junk yards or similar places of business. It is unlawful to convert any lots with, as of September, 1969, were not so used, into such junk yard or for the purpose of placing thereon material as described above.

SECTION 11-121 SALVAGE YARDS PROHIBITED.

It is unlawful for any person to build or maintain a salvage yard in the Town.

SECTION 11-122 PENALTY.

A violation of this Chapter shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

CHAPTER 2

WEEDS, GRASS AND TRASH

Section 11-201	Definitions.
Section 11-202	Accumulation of trash or weeds unlawful.
Section 11-203	Duty of owner, occupant to maintain private property.
Section 11-204	Reports of accumulation of grass, weeds or trash on property.
Section 11-205	Cleaning and mowing, notice, consent, hearing, abatement, lien and payment.
Section 11-206	Penalty.

SECTION 11-201 DEFINITIONS.

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

1. “Administrative Officer” means the Town Clerk-Treasurer or the nuisance abatement official appointed by the Town Board of Trustees;
2. “Cleaning” means the removal of trash from property;
3. “Trash” means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or other matter of any kind or form which is uncared for, discarded or abandoned; and
4. “Weed” includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any state of maturity which:
 - a. Exceeds twelve (12) inches in height, except vegetation used in low impact development (LID) features, flowers in tended flower beds, healthy trees, shrubs or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit, safety and/or welfare of the public or Community, creates a traffic or fire hazard or otherwise interferes with the mowing of the weeds; IT DOES NOT INCLUDE TENDED CROPS OR LAND ZONED FOR AGRICULTURAL USE WHEN SAID CROPS ARE CONTAINED IN AN AREA 150 FEET FROM A PARCEL ZONED FOR OTHER THAN AGRICULTURAL USE.
 - b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - c. Harbors rodents or vermin;
 - d. Gives off unpleasant or noxious odors;

e. Constitutes a fire or traffic hazard; or

f. Is dead or diseased.

Provided that, the word “weed” does not include tended crops or land zoned for agricultural use, which crops are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use.

SECTION 11-202 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

A. It is unlawful for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the Town to allow trash or weeds to grow, stand or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

B. No owner or occupant of land or lots shall

1. Knowingly permit the throwing or dumping upon his premises of any refuse, rubbish or trash, or
2. Permit such materials to remain on his premises for more than ten (10) days after being notified to remove them by the Town or the county health department whether or not the owner or occupant knew of or permitted such throwing or depositing.

In addition to a penalty for violation of this section or Section 11-203, the Town may abate as a public nuisance any condition prohibited herein pursuant to this Chapter, any other law or ordinance, all of which shall be cumulative.

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

SECTION 11-203 DUTY OF OWNER, OCCUPANT TO MAINTAIN PRIVATE PROPERTY.

No person owning, leasing, occupying or having charge of any private property or premises shall maintain or keep any refuse, rubbish, trash or similar material except dirt thereon; nor shall such person allow the accumulation of any such material; nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which the premises are located. No prosecution may be undertaken under this section until such person shall have been given ten (10) days notice by the Town of the condition and an order to fully abate the alleged deficiency. The property owner's duty to maintain shall likewise include any easement lying between said owner's private property and the adjoining road easement.

SECTION 11-204 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 Administrative Officer if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;
2. A hazard to traffic;
3. A fire hazard to property; or
4. Any two (2) or more of these conditions.

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

SECTION 11-205 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, ABATEMENT, LIEN AND PAYMENT.

The Town Administrative Officer is authorized to cause property within the Town to be cleaned of trash and weeds, or grass to be cut or mowed, and the nuisance to be abated in accordance with the following procedure:

1. The Town Administrative Officer or his designee may determine whether the accumulation of trash, growth of weeds or grass, or other nuisances has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of the property;
2. At least ten (10) days notice shall be given to the owner of the property. Said Notice shall be given by certified mail and regular mail, and by posting the Notice on the property itself through the use of a door hanger. Said Notice shall be mailed to the address of the property, and if not occupied, then to the address shown on the records of the Creek County Treasurer. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall state that unless the work is performed within ten (10) days of the date of the notice, the work shall be done by the Town and a notice of lien shall be filed with the County Clerk against the property for the costs due and owing the Town; or the cost of correction may be added to any fees owed by the offending party's Town or PWA fees.
3. At the time of mailing of notice to the property owner, the Town shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and

the name and address of the offending party. However, if the property owner cannot be located within ten (10) days from the date of mailing and posting, the Town may instruct its personnel or agents to take any necessary action to mow and abate the offensive grass and weeds on the property and notify the offending party of the costs incurred.

4. If the Town anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail or by posting shall state: that any accumulations of trash or excessive weeds or grass growth on the owner's property occurring within six (6) months after the removal of trash or cutting or mowing of weeds or grass on the property pursuant to the notice may be summarily abated by the Town; that the costs of such abatement shall be assessed against the owner; and that a lien shall be imposed on the property or the costs added to any billing owed to the town or to the PWA to secure such payment, all without further notice to the property owner. At the time of each summary abatement the Town Clerk-Treasurer shall notify the property owner of the abatement and costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing and posting of the notice. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided in this section. However, these summary abatement procedures shall not apply if the records of the County Clerk show that the property was transferred after the notice was given pursuant to this section;
5. The owner of the property may give his written consent to the Town authorizing the removal of the trash or the mowing of the weeds or grass. By giving his written consent, the owner waives his right to a hearing by the Town;
6. If a hearing is held by the Administrative Officer to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit or welfare of the public and the community or a hazard to traffic or creates a fire hazard to the danger of property. The property owner shall have a right of appeal to the Town Administrative Officer, except that if the Town Administrative Officer conducts the initial hearing, then the right of appeal is to the Town Board of Trustees. The appeal shall be taken by filing written notice of appeal with the Town Administrative Officer within ten (10) days after the administrative order is rendered.
7. If the Administrative Officer finds the condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal or such conditions, the Administrative Officer shall direct the clearing or cleaning be done by one of the following methods:
 - a. By the Town, provided the actual cost of the labor, maintenance and equipment required does not exceed Five Hundred Dollars (\$500.00); or

- b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;

The agents of the Town are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, cleaning and performance of necessary duties as a governmental function of the Town. Immediately following the cleaning or mowing of the property, the Town Clerk-Treasurer may file a notice of lien with the County Clerk describing the property and the work performed by the Town, and stating that the Town claims a lien on the property for the cleaning and mowing costs, or impose the costs of such on any billing owed to the Town or to the PWA by the offending party, and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;

8. After the property has been cleaned, the Administrative Officer shall determine the actual cost of such cleaning and any other expenses as may be necessary in connection therewith, including the cost of the notice and mailing. The Town Clerk-Treasurer shall forward by mail to the property owner specified in this section a statement of the actual cost and demanding payment;
9. If payment is not made within thirty (30) days from the date of the mailing of the statement, the Town Clerk-Treasurer shall forward a certified statement of the amount of the cost to the County Treasurer of Creek county in which the property is located, and the same shall be levied on the property and collected by the County Treasurer as other taxes authorized by law, or the costs may be imposed on any billing owed to the town or to the PWA.. The cost and the interest thereon may be a lien against the property from the date the cost is certified to the County Treasurer and shall continue until the cost shall be fully paid;
10. At any time prior to the collection as provided herein the Town may pursue any civil remedy for collection of the amount owing and the interest thereon. Upon receiving payment, if any, the Town Treasurer shall forward to the County Treasurer a notice of such payment and directing discharge of the lien or part thereof; and
11. The provisions of this section shall not apply to any property used for agricultural purposes.

SECTION 11-206 PENALTY.

A violation of this Chapter shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be punished as provided in Section 1-108 of this Code.

CHAPTER 3

DILAPIDATED BUILDINGS

Section 11-301	Definitions.
Section 11-302	Removal of unsafe and dilapidated structures.
Section 11-303	Clearing up of premises from which buildings have been removed.
Section 11-304	Cleaning and moving of property
Section 11-305	Penalty.

SECTION 11-301 DEFINITIONS.

For the purposes of this Chapter:

1. “Boarding and securing” or “boarded and secured” means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure;
2. “Cleaning” or “cleaned” means the removal of trash or weeds from the premises;
3. “Dilapidated building” means a structure which, through neglect or injury lacks the necessary repairs or otherwise is in a state of decay or partial ruin, to such an extent that said structure is a hazard to the health, safety and welfare of the general public; and
4. “Unsecured building” means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety or welfare of the general public.

SECTION 11-302 REMOVAL OF UNSAFE AND DILAPIDATED STRUCTURES.

1. When, in the opinion of the Municipal Building Inspector, the Local or County Health Official or any Municipal official, any building, wall or other structure upon, adjoining or near any street, avenue, alley or public ground within the Town of Kiefer, Oklahoma, becomes dangerous, insecure or liable to collapse from inherent structural weakness or decay, or which, from fire damage or other causes, becomes a menace to life or property, the same may be declared to be a nuisance.
 - a. Any such building shall be reported by the Municipal Building Inspector or any Municipal official to the Town Board of Trustees, together with the lot and block number, the owner (or agent) and a description of the condition. Additional data shall be provided, including material from the Community's Preservation Inventory, concerning historic and/or architectural significance.
 - b. Upon receipt of such, report, the Town Board of Trustees shall review the significance to the Community by requesting a recommendation from the Preservation Commission; following review of said recommendation, the Town

Board shall consider whether or not to declare such building or structure to be a nuisance and serve fifteen (15) days' legal written notice on the owner (or agent) to wreck or remove the same, or provide an alternative proposal for restoration, sale and restoration, or other appropriate method of encouraging productive re-use of the structure. Said notice shall be posted on the property to be affected, and shall also be sent by certified mail, with return receipt requested, to the owner, as shown on the County Treasurer's records. Written notice shall also be mailed to any mortgage holder, as shown by the County Clerk's records. If neither the property owner nor the mortgage holder can be located, notice may be given by legal notice; such notice may be published once, not less than ten (10) days prior to any hearing or action by the Town pursuant to the provisions of this Section, or, as an alternative, notice may be given by first-class mail to the property owner and mortgage holder.

- c. The Town Board of Trustees may hear all objections and evidence in relation thereto and, unless the owner can show good and sufficient reason why the building should not be condemned, the original order of said Town Board shall be executed, or any appropriate alternative solution may be implemented.
- d. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the Town Board of Trustees may cause the dilapidated building to be torn down and removed, or implement an alternative solution, and shall fix reasonable dates for the commencement and completion of the work.
- e. The Town Clerk-Treasurer shall immediately file a notice of lien with the County Clerk describing the property, the findings of the Municipality at the hearing, and stating that the Municipality claims a lien on said property for the destruction and removal costs. The agents of the Municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the Municipality, if the work is not performed by the property owner within dates fixed by the Town Board of Trustees.
- f. The Town Board of Trustees shall determine the actual cost of the repair, restoration, dismantling or removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the removal of the nuisance conditions, including the cost of notice and mailing. The Town Clerk-Treasurer shall forward a statement of the actual cost attributable to the work on the buildings and a demand for payment of such costs, by certified mail with return receipt requested, to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder.
- g. If the Municipality repairs, restores, dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for the actual repairs, restoration, dismantling or removal of the dilapidated buildings. If work on the dilapidated

building is done on a private contract basis, the contract shall be awarded to the most responsible and most responsive bidder.

- h. When payment is made to the Municipality for costs incurred, the Town Clerk-Treasurer shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the Town Clerk-Treasurer shall forward a certified statement of the amount of the cost to the County Treasurer. Said costs shall be levied on the property and collected by the County Treasurer as are other taxes authorized by Law. The cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection, the Municipality may pursue any civil remedy for collection of the amount owed and interest thereon. Upon receiving payment, the Town Clerk-Treasurer shall forward to the County Treasurer a notice of such payment and shall direct discharge of the lien.
 - i. Nothing in the provisions of this Section shall prevent the Municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety or welfare of the general public.
 - j. After a building has been declared dilapidated, and before the commencement of the removal of the nuisance conditions on the dilapidated building, the Town Board of Trustees may authorize that such a building be boarded and secured.
2. Any Municipal official shall have the right to stop the construction of any building or structure, or the alteration, repair or wrecking of the same, if the same is being done in a careless or reckless manner, or in violation of the provisions of this Code of Ordinances.

SECTION 11-303 CLEARING UP OF PREMISES FROM WHICH BUILDINGS HAVE BEEN REMOVED.

In all cases in which:

1. A house or building has been removed before the taking effect of this Chapter; or
2. A house or building is torn down or demolished pursuant to order of the State Fire Marshal or one of his assistants or the Sheriff of the County or the Chief of the Fire Department as provided by State Law or as provided in this Chapter;

and in which any of the following conditions exist,

1. The premises have not been cleaned up;
2. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;
3. The materials removed but the cellar space and excavations have not been filled;
4. A cistern or well has not been filled or safely and securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the Town Plumbing Inspector and securely closed; and
5. The lot or lots have not been leveled and left entirely free from trash or the same be not immediately done, then the owner or owners of the lot or lots and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this Chapter by having all of the things done.

SECTION 11-304 CLEANING AND MOWING OF PROPERTY.

1. It shall be unlawful for any owner 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 and it shall be the duty of such owner to remove or destroy any such trash or weeds.
2. Any officer or employee of the Town of Kiefer, Oklahoma, who discovers an accumulation of trash or growth of grass and weeds, or both these conditions, upon any premises within the corporate limits of said Town, shall report the condition to the Administrative Officer (who shall be appointed by the Town Board) if, as a result of the accumulation or growth, the premises appear to be:
 - a. Detrimental to the health, safety, benefit and welfare of the public and the Community; or
 - b. A hazard to traffic; or
 - c. c. A fire hazard to property.
3. Upon receiving the report provided for in Subsection 2 (above), or upon receipt of equivalent information from any reliable source, and upon determination that a nuisance or violation of the Code of Ordinances exists, the Administrative Officer shall give written notice of the finding and direct the owner or occupant to abate the condition within ten (10) days.
4. The written notice provided for in Subsection 3 (above) shall be sent 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, and by posting at the offending address.

5. If the Board of Trustees anticipates further abatement of any nuisance in accordance with provisions of this Section, the notice shall state that "Any accumulations of trash or excessive weed or grass growth on the property occurring within six (6) months after the initial removal of trash or the cutting or mowing of weeds or grass on the property pursuant to such notice may be summarily abated by the Town Board of Trustees. Further, the costs of such abatement shall be assessed against the owner, and a lien may be imposed on such property to secure such payment, or the costs of such abatement may be added to any billing owed by the offending party to the Town or to the PWA. All such actions may be taken without further notice to the property owner.
6. The owner of the property may give his written consent to the Town of Kiefer, Oklahoma, authorizing the removal of the nuisance; by providing written consent, the owner waives his right to a hearing.
7. Upon a finding that a condition exists as set out in Subsection 2 (above), and that the property would be benefitted by the removal of such condition, and after at least ten (10) days from the date of receipt of the notice by the owner or occupant or the date of publication, the Administrative Officer shall order the property to be cleaned of trash, or order trash or weeds to be cut, removed or destroyed, unless the owner:
 - a. Has cut, removed or destroyed the trash or weeds in accordance with the notice; or
 - b. Has filed a written request for a hearing on the matter with the Town Clerk-Treasurer within a ten (10) day period to appeal the Administrative Officer's decision to the Town Board of Trustees. If the owner or occupant has given written consent authorizing the Town to abate the trash or weeds, any right to a hearing shall be considered waived, and the owner shall pay for the cost of the work. The Town Board may affirm, reverse or modify the order of the Administrative Officer. The Town Board's review shall be limited to a review of the finding of facts and order of the Administrative Officer to determine if the provisions of this Section have been complied with.
8. At any hearing onto the matter, the Administrative Officer may receive information thereto, including anything which may be presented by the owner of the premises, personally or by agent or attorney. The Administrative Officer shall prepare a written finding of the facts and order which will be placed in the property files.
9. The work ordered to be performed under this Section may be done by the Town or it may be let by contract to the most responsible and most responsive bidder for a period of not to exceed one (1) year. Immediately following the cleaning or mowing, the Town Clerk-Treasurer shall file a notice of lien with the County Clerk, in accordance with State Law.

10. Upon completion of the work ordered to be performed under this Section, the Town shall prepare a statement, itemizing each tract of property involved, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs, along with a demand for payment of the total cost, and forward it by certified mail, with return receipt requested, to:
 - a. 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; or
 - b. To the address given by the person giving written consent or requesting the appeal, as provided for hereinabove.
11. If the costs of the work performed under this Section are not paid within thirty (30) days from the date of mailing the statement prescribed by Subsection 9 (above), the Town Clerk-Treasurer 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., or the costs may be added to any billing owed to the Town or to the PWA. If a lien is imposed then the lien is co-equal 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 owed and interest thereon. Upon receiving payment, if any, the Town Clerk-Treasurer shall forward to the County Treasurer a notice of such payment, directing discharge of the lien.
12. If the Town Board of Trustees causes property within the Municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in this Section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a twelve (12) month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each summary abatement, the Municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in this Section. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided for in this Section; provided, however, that, this Section shall not apply if the records of the County Clerk show that the property was transferred after notice was given pursuant to this Section.

SECTION 11-305 PENALTY.

Any person, firm or corporation who shall tear down or begin the tearing down of any house or building within the Town limits of the Town without complying with this Chapter or

applicable provisions of the Town Code shall be guilty of an offense against the Town and upon conviction thereof shall be punished as provided in Section 1-108 of this Code.

CHAPTER 4

FOOD AND MILK REGULATIONS

ARTICLE A

FOOD SERVICE SANITATION

Section 11-401 Food service regulations adopted.
Section 11-402 Permit.

ARTICLE B

MILK AND MILK PRODUCTS

Section 11-420 Milk Ordinance adopted.
Section 11-421 Penalty.

ARTICLE A

FOOD SERVICE SANITATION

SECTION 11-401 FOOD SERVICE REGULATIONS ADOPTED.

The latest edition of the “Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments” is hereby adopted and incorporated in this Code by reference. At least one (1) copy of the rules and regulations shall be on file in the office of the Town Clerk-Treasurer. The rules and regulations shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of Permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this Section.

SECTION 11-402 PERMIT.

Annual permits are required for operation of food service establishment. Fee for such permit shall be as set by the Town Board.

ARTICLE B

MILK AND MILK PRODUCTS

SECTION 11-420 REGULATIONS ADOPTED.

1. Part II of the Grade A Pasteurized Milk Ordinance, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination,

grading, labeling and sale of milk and milk products sold for ultimate consumption within the Town limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least one (1) copy of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official.

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

SECTION 11-421 PENALTY.

Any person, firm or corporation who shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this Code. Such person may also be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

CHAPTER 5

MUNICIPAL HEALTH OFFICER

Section 11-501 Municipal Health Officer appointed.

SECTION 11-501 MUNICIPAL HEALTH OFFICER APPOINTED.

The Municipal Health Officer designated to enforce health ordinances and anywhere in this Chapter where the word or words "Health Officer" are used shall be construed to mean the Municipal Health Officer, as appointed by the Board of Trustees, of Kiefer, Oklahoma of his duly designated representative. Said Health Officer, shall be an individual who is familiar with the requirements of the health ordinances of the Township as set out and codified into law. Said Health Officer will have the responsibility for the enforcement of the health ordinances of the Town of Kiefer as set out in this Section, and any decisions rendered under this Section shall be reviewed by the Governing Board upon an appeal from an offender.

CHAPTER 6

CONTAGIOUS DISEASES

- Section 11-601 Introducing diseases.
- Section 11-602 Report of contagious diseases.
- Section 11-603 Quarantine.

SECTION 11-601 INTRODUCING DISEASES.

1. It shall be unlawful for any person affected with, or exposed to, any contagious or infectious disease, to be upon any street or in any public place in the Town of Kiefer, Oklahoma; the purpose of this requirement is to avoid exposing other persons to such a disease.
2. It shall be unlawful for any parent, guardian or person having charge of any child or children to allow, or permit, such child or children to attend any classes, school or any gathering of people, or to appear upon any street or in any public place in the Town of Kiefer, Oklahoma, while infected with, or exposed to, any contagious or infectious disease, or in any manner to allow other persons to be exposed to such a disease.
3. No person suffering from, or infected with, the communicable form of a venereal disease, shall engage in any occupation involving intimate contact with persons, food or food products.

SECTION 11-602 REPORT OF CONTAGIOUS DISEASES.

1. Every physician practicing in the Town of Kiefer, Oklahoma, shall report to the County Health Official, within six (6) hours after the diagnosis of the same, the appearance of any of the following diseases: diphtheria (including membranous croup), scarlet fever, smallpox, yellow fever, typhoid fever, typhus fever, asiatic cholera, chicken pox, tuberculosis, undulant fever, acute anterior, poliomyelitic (infantile paralysis), epidemic cerebrospinal meningitis, whooping cough, mumps, or any other pestilential, infectious or contagious disease.
2. Syphilis, gonococcus infection and chancroid are hereby and hereinafter recognized and declared to be contagious, infectious, communicable and dangerous to the public health. The term "venereal disease," as used in this Chapter, shall include all such diseases.
3. The Statutes of the State of Oklahoma governing the diseases stated hereinbefore shall apply to all cases of this nature, after said report is made.

SECTION 11-603 QUARANTINE.

1. It shall be unlawful for any person to enter, or go upon, any ground or premises under quarantine, without first having obtained permission to do so from the Local or County Health Official.
2. It shall be unlawful for any person whom the Local or County Health Official shall have ordered to be detained in quarantine, to neglect or refuse to be so detained, or to willfully violate any quarantine regulation thereof.
3. It shall be unlawful for any person to tear down, remove, deface, mutilate or destroy any order, notice or flag that may be posted or displayed by the Local or County Health Official.
4. It shall be unlawful for any person to willfully violate, or refuse to comply with, any lawful order, direction, prohibition, rule or regulation of any officer or official charged with enforcement of such order, direction, prohibition, rule or regulation.

CHAPTER 7

SANITARY FACILITIES

Section 11-701	Definitions.
Section 11-702	Owner to provide proper toilet facilities.
Section 11-703	Proper disposal of human excrement required.
Section 11-704	Unauthorized facilities declared public nuisances.

SECTION 11-701 DEFINITIONS.

1. "Human Excrement" used herein means the bowel and kidney discharge of human beings.
2. "Sanitary Water Closet" used herein 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.

SECTION 11-702 OWNER TO PROVIDE PROPER TOILET FACILITIES.

1. Every owner of a residence or other building in which humans reside, are employed or congregate, shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement; this requirement shall include a sanitary water closet or closets, or a water closet or closets connected to an approved septic tank.
2. The closets and toilets required herein shall be of the sanitary water closet type when located within three hundred (300) feet of any Municipal Sanitary Sewer System line and accessible thereto. It shall be the duty of every owner of property so located, to connect, or cause to be connected, his toilet(s) with the Municipal Sanitary Sewer System, and to make every proper connection so that each toilet is properly connected with said Municipal Sewer System.
3. When not so located, the closet or toilet shall be of (a) the sanitary water closet type, so connected to a sanitary sewer (notwithstanding the distance from it), or (b) the water closet type, connected to a septic tank approved by the County Health Officer.

SECTION 11-703 PROPER DISPOSAL OF HUMAN EXCREMENT REQUIRED.

All human excrement shall be disposed of by deposition in closets of the type hereinbefore described. It shall be unlawful for any owner of property to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement in any other manner.

SECTION 11-704 UNAUTHORIZED FACILITIES DECLARED PUBLIC NUISANCES.

All facilities for the disposal of human excrement in a manner different from that required by this Code of Ordinances, and all privies 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.

CHAPTER 8

PENALTY

Section 11-801 Penalty.

SECTION 11-801 PENALTY.

Any person who violates any provision of this Part by doing any act prohibited, declared to be unlawful thereby or declared to be a nuisance, an offense or misdemeanor thereby, or who fails to do any act required by any such provision, who fails to do any act when such provision declares such failure to be unlawful or to be any offense or misdemeanor, who violates any legal order or regulation made pursuant to this Part, or who maintains any nuisance as defined in this Part, shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine not exceeding the limits established in this Code of Ordinances. Each day upon which any such violation continues, shall constitute a separate offense.

CHAPTER 9

REMEDICATION

Section 11-901 PURPOSE

The purpose of this Ordinance is to protect the occupants of real property, as well as the occupants of adjoining properties and the public at large from hazardous and contaminated living conditions and environments by requiring the owners of real property to remediate contamination of property caused by methamphetamine activity or activities involving other noxious, hazardous and toxic substances prior to resumed occupancy.

Section 11-902 DEFINITIONS

- F. Activity or activities shall include the manufacture and possession of methamphetamine and other noxious, hazardous or toxic substances or other acts involving such substances that present public health and safety risks to current or future occupants of real property or property adjacent thereto or to the general public.
- G. Property or real property shall include land, buildings or other residential or commercial structures and facilities designed for human occupancy that are owned by individual, firm or corporation or other entity, and that are contaminated by activity or activities.

Section 11-903 REPORTS OF METHAMPHETAMINE OR OTHER TOXIC USE

Upon discovery that an owner's property is or has been the location for any type of methamphetamine or other noxious, hazardous or toxic substance activity and owner shall immediately report such activity to the Kiefer Police Department.

Section 11-904 PROHIBITION OF OCCUPANCY

Until a contractor experienced and trained in hazardous waste removal and remediation as prescribed herein assesses the contaminated property, cleans up an contamination, and prepares a final report which shows that the levels of contamination upon the property meets the acceptable levels listed in section 7 herein, occupation of the property for human habitation is prohibited.

Section 11-905 NOTICE OF CONTAMINATION

- C. Upon notice that contamination has occurred to any activity contemplated herein, the Code Enforcement Officer or his designated official shall affix upon the property a "Notice of Contamination" containing the following information:
 - 1. The word **WARNING** in bold type,
 - 2. The address of the contaminated property or if the property has multiple structures or dwelling units upon it, the address of each contaminated building or dwelling unit,
 - 3. A statement that **HAZARDOUS SUBSTANCES, TOXIC CHEMICALS OR OTHER WASTE PRODUCTS MAY BE PRESENT**,
 - 4. A warning that "Any person who enters the structure without the permission of the Kiefer Police Department will have committed Trespass".
- B Upon becoming so informed the Code Enforcement Officer or other designated official shall notify the Kiefer Utility Office of such contamination. The Town of Kiefer shall not provide utilities to such property until further notice from the Code Enforcement Officer or designated official.

- C. It shall be unlawful for any person including the property owner or property manager or occupant to remove such Notice of Contamination warning while the property is deemed to be in a contaminated condition. Such notice shall only be removed by the Code Enforcement Officer or other designated official upon completion of remediation.

Section 11-906 ASSESSMENT AND REMEDIATION

- A. Upon discovery that property is or has been the location for any type of activity as addressed herein, the owner of said property prior to the reoccupation of said property and after the removal of such hazardous waste and the removal of any and all equipment that was utilized in the manufacture of said chemicals, the owner shall retain the services of a contractor who is trained and experienced in the remediation of such hazardous materials to assess and the level of contamination and to provide a written report documenting the level of contamination. At a minimum such contractor shall have completed forty hours of Hazardous Waste Operation and Emergency Response training pursuant to 29 CFR 1910.120, or subsequent regulations thereof and shall have received certification pursuant to this training. The owner shall obtain a copy of the contractor's 29 CFR 1919.120 certification allowing the contractor to begin the assessment.
- B. If upon the completion of the Assessment the contractor determines:
 - 1. The level of contamination does not exceed the acceptable contamination levels, as defined in Section 7 the owner shall require the contractor to prepare a Final Report as prescribed in Section 9. Once the Final Report is prepared and delivered to the owner the owner shall deliver a copy of the Final Report to the Code Enforcement Officer or other designated official. Said official shall remove the NOTICE OF CONTAMINATION, authorize the owner in writing that occupancy may resume and notify the Town Utility Office that it may resume service to the property.
 - 2. If the level of contamination exceeds the acceptable levels as defined in Section 7, the owner shall not allow the occupancy of the property for human habitation until an approved contractor has:
 - a. Cleaned up and remediated any and all contamination that exceeds the acceptable levels as defined according to the standards set in Section 7, and
 - b. Conducted an additional assessment which shows that the contamination levels are acceptable pursuant to Section 7.

Section 11-907 ACCEPTABLE LEVELS OF CONTAMINATION

The owner shall require the certified contractor to test the levels of volatile organic compounds (VOC's), pH, Mercury, Lead and Methamphetamine in both the initial assessment and the post remediation assessment. Acceptable levels of for each are as follows:

- a. VOC's: 0.9 parts per million or less,
- b. pH: Surface level of 7 or below,
- c. Mercury: .03 micrograms per cubic meter of mercury in air below,

- d. Lead: 20 micrograms per square foot below,
- e. Methamphetamine: 0.3 micrograms per one hundred square centimeters below.

Section 11-908 CLEANUP AND SAFETY STANDARDS

Contractors hired by an owner to engage in removal and remediation shall conduct assessments and cleanup pursuant to the relevant standards and guidelines proposed and adopted by the Oklahoma Drug Enforcement Agency, and shall follow safety procedures mandated by the relevant federal and state agencies governing hazardous waste.

Section 11-909 FINAL REPORT

- A. All inspections and assessments conducted by a contractor during the removal and remediation process shall be fully documented in writing. The report shall include the dates that actions were performed and the names and signatures of the people or companies who performed those actions. The Final Report shall include any other types of relevant documents, including but not limited to photographs, video recordings, drawings, and charts. Such additional documentation shall likewise be signed and dated. The owner shall immediately provide a copy of the Final Report to the City Code Enforcement officer or his designee, upon receipt from the contractor. The Final Report shall include at a minimum the following:
 - 2. A case narrative, site description and site assessment,
 - 3. The physical address of the property, number and type of structures and a description of the surrounding properties;
 - 4. Law enforcement reports, documented observations, and pre-remediation sampling results that provide information regarding the manufacturing or processing methods, chemicals present, manufacturing area, chemical storage area and observed areas of contamination or waste disposal,
 - 5. Name of cleanup contractor, and the contractor's experience and a copy of the certification,
 - 6. The name and signature of the contractor who prepared the report,
 - 7. A copy of the Contractor's 29 CFR 1910-120 certification.

- B. Where property is remediated a Final Report shall include:
 - 8. Worker safety and health information,
 - 9. Decontamination and encapsulation; procedures for each area that was contaminated,
 - 10. Documentation that structure was cleaned to acceptable levels, including but not limited to the location and the results of post decontamination samples, description of analytical methods used and the location of any laboratories used.

Section 11-910 PENALTY

- A. Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of an offense and upon conviction shall be punished pursuant to Section 1-108 the General Penalty Clause of the Town of Kiefer.
- B. Each day of violation shall constitute a separate violation of said Code and shall be deemed as separate offense.
- C. The provisions of this Ordinance shall not preclude the Town of Kiefer or an other aggrieved party from pursuing any civil remedy to recover any damages or costs associated with the harm addressed by this Ordinance.

PART 12

LICENSE AND BUSINESS REGULATIONS

CHAPTER 1

OCCUPATIONAL LICENSES GENERALLY

Section 12-101	License required.
Section 12-102	Issuance.
Section 12-103	License period.
Section 12-104	Payment of fees; pro-ration.
Section 12-105	Transfer.
Section 12-106	License display.
Section 12-107	Revocation or suspension of license, appeal.
Section 12-108	Exemptions.
Section 12-109	License fee schedule.
Section 12-110	Penalty.

CHAPTER 2

ITINERANT VENDORS

Section 12-201	Definitions.
Section 12-202	Itinerant Occupation License required; exclusions; application; conditions.
Section 12-203	License fee levied on occupations in Town; conditions.

CHAPTER 3

MISCELLANEOUS

Section 12-301	Sale of merchandise on vacant property.
Section 12-302	Shooting Galleries.
Section 12-303	Short weights and measures prohibited.
Section 12-304	Pool, billiard and other recreational halls; amusement devices.
Section 12-305	Pawnbrokers.
Section 12-306	Video games and coin-operated amusement devices.

CHAPTER 4

GARAGE SALES

Section 12-401	Garage sales defined.
Section 12-402	Exemptions.
Section 12-403	Permit required; application.
Section 12-404	Revocation.

Section 12-405
Section 12-406

Terms.
Signs.

CHAPTER 5

PENALTY

Section 12-501

Penalty.

CHAPTER 1

OCCUPATIONAL LICENSES GENERALLY

Section 12-101	License required.
Section 12-102	Issuance.
Section 12-103	License period.
Section 12-104	Payment of fees; pro-ration.
Section 12-105	Transfer.
Section 12-106	License display.
Section 12-107	Revocation or suspension of license, appeal.
Section 12-108	Exemptions.
Section 12-109	License fee schedule.
Section 12-110	Penalty.

SECTION 12-101 LICENSE REQUIRED.

Except for those occupations regulated by state law, it is unlawful for any person, firm or corporation, either as principal, officer, agent, servant or employee, to engage in any calling, trade, profession or occupation without first paying to the Town the fee or tax required, and procuring a current license from the Town Clerk-Treasurer.

State Law Reference: Municipal powers to levy occupational license taxes, 11 O.S. Sections 22-106, 22-107.

SECTION 12-102 ISSUANCE.

All licenses shall be issued by the Town Clerk-Treasurer. No license shall be issued until all conditions prescribed by the ordinance have been complied with, and a certificate of examination or inspection filed with the Town Clerk-Treasurer, in those cases where examination or inspection is required by ordinance. Any applicant for a license shall make application upon such forms as may be prescribed by ordinance or may be prescribed by the Town Clerk-Treasurer.

SECTION 12-103 LICENSE PERIOD.

All licenses shall expire annually on April 30, unless a different date of expiration is provided by the ordinance providing for the particular license.

SECTION 12-104 PAYMENT OF FEES; PRO-RATION.

All license fees shall be paid in advance for the license period for which issued. The license fee may be pro-rated for a new business commencing during the second six-months of a fiscal year; the pro-rated fee shall be in proportion to the amount of the year remaining during which time it will operate. At the direction of the Town Board, the Town Clerk-Treasurer may

issue license to licensees, sending them statements for fees due, and if the same is not paid within sixty (60) days from the due date, the license shall thereupon become null and void.

SECTION 12-105 TRANSFER.

No license shall be sold or otherwise transferred.

SECTION 12-106 LICENSE DISPLAY.

It is the duty of any person, having obtained a license for any authorized purpose, to have the same placed or posted in a secure manner in some public place on the premises occupied and used for such business and where the license may be readily seen at any time by any person entering the place of business. Any licensee, who does not occupy any certain premises for the conduct of such licensed business, shall carry his license on his person and shall display the same whenever requested.

SECTION 12-107 REVOCATION OR SUSPENSION OF LICENSE, APPEAL.

All licenses issued by the Town shall be subject to revocation by the duly authorized officer of the Town Board upon any breach of any condition prescribed by ordinance for the regulation of such licensed occupation or in the event such licensee operates such licensed occupation or business in violation of the laws of the Town or the State, or in violation of any law or regulation of the United States Government. The duly authorized officer shall mean the Town Clerk-Treasurer in all instances except when some other person or board is given the authority by ordinance to revoke or suspend the particular license. The duly authorized officer shall either give written notice by personal service, or by mail to the licensee, of the revocation of his license, or the suspension of the same, which notice, if mailed, shall be mailed to the address given on the application or license. The license shall stand revoked or suspended from the time of the giving of such notice. Any licensee, however, may appeal to the Town Board from such decision within ten (10) days after the aforesaid notice by filing a written request with the Town Clerk-Treasurer for a hearing. The hearing shall be held by the Town Board at the next regular meeting following the filing of the appeal, but may be continued from day to day. The appealing licensee may be represented by counsel. The hearing shall be conducted in an informal manner, but no license shall be revoked or suspended except upon a preponderance of the evidence. The Board may affirm, modify or vacate the order of revocation or suspension, and its decision shall be final.

SECTION 12-108 EXEMPTIONS.

The following shall be exempt from the provisions of this chapter:

- C. A farmer selling in Town produce actually produced by him in this county;
- D. All scientific or literary entertainers or lecturers;

- E. All concerts, musicals or other entertainment given exclusively by the citizens of the Town; and
- F. All entertainments, the proceeds from which are to be devoted to charity or to public uses or improvements.

SECTION 12-109 LICENSE FEE SCHEDULE.

- A. A tax or license fee, as shall be set by the Town Board by motion or resolution, is assessed upon each of the persons engaging in any of the occupations, trades or businesses, licensed or taxed by the Town, for which such person shall first procure a license therefor. Any person who shall engage in more than one business, trade or occupation on which any license fee is required by the Town Ordinances, so long as such businesses are operated under one roof and one ownership, shall pay only one license fee.
- B. All businesses and occupations in the Town are subject to license herein. Fees for each license are adopted by motion or resolution of the Town Board.

Ed. Note: See Fee Schedule on file with the Town Clerk-Treasurer.

SECTION 12-110 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1-108 of this Code.

CHAPTER 2

ITINERANT VENDORS

Section 12-201	Definitions.
Section 12-202	Itinerant Occupation License required; exclusions; application; conditions.
Section 12-203	License fee levied on occupations in Town; conditions.

SECTION 12-201 DEFINITIONS.

For the purpose of this Chapter, the following terms shall have the meaning respectively ascribed to them herein:

1. "Commercial" means soliciting for a business purpose which is intended to be for profit and is not intended to be charitable, religious, not for profit or political;
2. "Itinerant" means having no regular place of doing business or soliciting in the Town and includes but is not limited to making regular delivery or providing goods over an established route through the Town;
3. "Itinerant Occupation" means those occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the Town of Kiefer, Oklahoma, at which a permanent business is carried on throughout the year or usual production season in good faith (and not for the purpose of evading the provisions of this Part), and shall include occupations, trades, businesses and solicitations housed in temporary stands or quarters (including permanent quarters occupied pursuant to any temporary arrangement), or carried on by means of house-to-house solicitation or upon the streets and sidewalks of the Town of Kiefer, Oklahoma; provided, however, that, no occupation, trade or business engaged in by a charitable, educational or religious organization, association or club, having a membership duly enrolled in accordance with the rules, regulations and by-laws of said organization, association or club and the majority of said members being residents of the Town of Kiefer, or of Creek County, Oklahoma, shall be considered an "itinerant occupation, trade, business or solicitation";
4. "Peddler" means any person who travels by any type of conveyance from place to place, from house to house, carrying or transporting merchandise of whatsoever nature, offering the same for sale, or who shall sell the same from any vehicle or on any public street;
5. "Person" means any individual, and shall not extend and be applied to firms, corporations or any other organizations;
6. "Soliciting" means all activities of peddlers, solicitors and vendors attempting to obtain business. Such activities may include, but are not limited to, distribution of handbills or leaflets to the public directly or by placing them in a mailbox, on a

doorknob or otherwise on any property; coming personally onto any property for the purposes defined herein; calling the occupants of any property by telephone for the purposes herein defined; or calling or inviting any prospective customers to purchase or obtain merchandise, product or service;

7. "Solicitor" means a person who travels by any type of conveyance from place to place, taking orders for merchandise of whatsoever nature for future delivery; and
8. "Vendor" means any person engaged in a business or occupation selling or offering to sell any merchandise, product or service, and includes but is not limited to peddlers and solicitors.

State Law Reference: State peddlers licenses, 47 O.S. Sec. 434; Ex-servicemen exempted if certified by district court, 72 O.S. Sec. 1.

SECTION 12-202 ITINERANT OCCUPATION LICENSE REQUIRED; EXCLUSIONS; APPLICATION; CONDITIONS.

1. It shall be unlawful for any person to engage in the business of peddler, solicitor or any other itinerant occupation within the corporate limits of the Town of Kiefer, Oklahoma, without first obtaining a License therefor, and paying the prescribed fees to cover the reasonable costs of processing the application. The fee shall be paid to the Town Clerk-Treasurer when the application is filed and shall not be returnable under any circumstances. The Town Board of Trustees, from time to time, may change such fee, to an amount not to exceed the reasonable costs of Licensing and enforcement.
2. The following persons are hereby specifically excluded:
 - a. Persons engaged in selling personal property at wholesale to dealers in such property; and
 - b. Merchants growing their own local produce, and having regular places of business in the Town of Kiefer, Oklahoma, and their employees in taking orders at the houses of their customers for goods held in stock at said places of business, and in delivering the goods so ordered; such exclusion shall not apply to a person who, personally or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within said Town, for the purpose of taking orders for future delivery.
3. Applicants for a License hereunder shall file with the Town Clerk-Treasurer, in duplicate, a sworn application in writing, on a form to be furnished by the Town Clerk-Treasurer.
4. The application shall give the following information:

- a. Full name, birth date and Social Security Number of each individual applicant;
 - b. Address, both legal and local;
 - c. Nature of business and kinds of goods to be sold, and if the applicant is a farmer or truck gardener, whether said goods are produced or personally-owned, cultivated and controlled;
 - d. If employed by another, the name and address of the applicant's employer, together with a brief description of credentials showing the exact relationship;
 - e. Length of time for which the right to do business is desired;
 - f. Description and License number of any vehicle to be used; and
 - g. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefor.
5. Each individual applicant for a License shall provide written proof that the applicant will collect and remit State and Local Sales Taxes to the Town of Kiefer, Oklahoma, if required by State Law and Municipal Ordinance.
 6. Each individual applicant for a License shall submit with the application a surety bond or cash in the amount of One Thousand Dollars (\$1,000.00), executed by the applicant and by a surety company qualified to do business within the State of Oklahoma. The bond shall run in favor of the Town of Kiefer, Oklahoma, but action may be taken on the bond by any citizen who has been damaged by the applicant. If more than one (1) applicant shall be employed by the same employer, the employer may furnish the surety bond in lieu of the applicant, and the amount of such bond shall be the total number of employees multiplied by One Thousand Dollars (\$1,000.00). The employer shall have the privilege of changing employees, but the number of employees shall never exceed the amount listed in the original bond filed. Any increase in the number of employees shall require either individual surety bonds for the additional employees, or an increase in the amount of the original surety bond in the amount of One Thousand Dollars (\$1,000.00) for each additional employee. Any employer furnishing such a bond shall furnish to the Town Clerk-Treasurer a current list of employees covered by the bond.
 7. A fee of Ten Dollars (\$10.00) per day, Thirty Dollars (\$30.00) for three (3) days or Fifty Dollars (\$50.00) for seven (7) days, shall be paid to the Town Clerk-Treasurer at the time of application; revocation of a License shall not be grounds for returning the License fee to the applicant.

8. Licenses may be revoked by the Town Clerk-Treasurer of the Town of Kiefer, Oklahoma, after notice has been served on the applicant, for any of the following causes:
 - a. Fraud, misrepresentation or false statements contained in the application;
 - b. Fraud, misrepresentation or false statements made in the course of carrying on business as a solicitor;
 - c. Any violation of this Code of Ordinances;
 - d. Conviction of any felony involving moral turpitude; or
 - e. Conducting the business of soliciting in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
9. Notice of revocation of a License shall be in writing, setting forth specifically the grounds of complaint and the time and place for a hearing where the decision to revoke may be appealed to the Town Board of Trustees. Such notice shall be given to the appellant in the same manner as provided elsewhere in this Chapter, for notice of hearing on approval of an application for a License.
10. No solicitation shall be conducted between the hours of 6:00 o'clock p.m. and 11:00 o'clock a.m. each day, because of the need for public security and protection; provided, however, that, solicitations may be made where the person solicited has agreed by previously-arranged appointment for a time during said hours.
11. No License or badge issued under the provisions of this Chapter shall be used or worn at any time by any person other than the person to whom it was issued.
12. Peddlers, solicitors and other itinerant occupations are required to exhibit and display their Licenses or authorized evidence thereof at all times, whenever they are engaged in peddling or soliciting.

SECTION 12-203 LICENSE FEE LEVIED ON OCCUPATIONS IN TOWN;
 CONDITIONS.

1. A License fee may be levied, in accordance with the State Law, on persons engaging in, exercising or pursuing any business, profession, trade, occupation or privilege in this Town, for an annual fee as may be set by the Town Board by motion or Resolution.
2. In order to receive a License under this Part, 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-Treasurer prior to issuance of the Town License.

3. It shall be 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, without paying the License tax, and securing and possessing a valid License therefor. Upon making proper application to the Town Clerk-Treasurer, the payment of the License tax and fulfillment of any other condition which may be prescribed by Law or Ordinance, the Town Clerk-Treasurer shall issue a License therefor. Such License taxes shall be credited to the General Fund of the Town.
4. Annual Licenses shall expire on December 31st of the year for which they are issued. When an annual License is issued after January 1st, to a person just beginning to engage in, exercise or pursue a business, profession, trade, occupation or privilege, the tax collected shall be a fractional part of the annual tax equal to the fraction of the year remaining, with a minimum as set by the Town.
5. Every person who engages in, exercises or pursues profession, trade, occupation or privilege for which a License is a business, required, at or from more than one (1) place in the Town, or who engages in, exercises, or pursues more than one (1) 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.
6. 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. It shall be unlawful to fail or refuse to display the License as required in this Section.
7. 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, either because (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) there is a serious or repeated violation of the Law or local Ordinances.
8. The assignment or transfer of Licenses shall not be permitted.
9. Whenever any License to engage in, exercise or pursue a business, profession, trade, occupation or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the Town Clerk-Treasurer, on application, shall issue a

duplicate License for the unexpired time. The fee for every duplicate License issued, payable to the Town Clerk-Treasurer, shall be set by the Town Board.

CHAPTER 3

MISCELLANEOUS

Section 12-301	Sale of merchandise on vacant property.
Section 12-302	Shooting Galleries.
Section 12-303	Short weights and measures prohibited.
Section 12-304	Pool, billiard and other recreational halls; amusement devices.
Section 12-305	Pawnbrokers.
Section 12-306	Video games and coin-operated amusement devices.

SECTION 12-301 SALE OF MERCHANDISE ON VACANT PROPERTY.

It shall be unlawful for any person, firm or corporation to sell, trade or transfer any merchandise of any kind on or in any vacant property, without the consent of the owner or person in control of said property.

SECTION 12-302 SHOOTING GALLERIES.

Every shooting gallery constructed, established, set up or operated hereafter, either permanently or temporarily, within the corporate limits of the Town of Kiefer, Oklahoma, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of Title 63, Oklahoma Statutes, 1991, Sections 701-708, as amended, and shall comply with all the requirements thereof. No shooting gallery shall be operated until any Licenses required by this Code of Ordinances have been secured therefor.

SECTION 12-303 SHORT WEIGHTS AND MEASURES PROHIBITED.

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

SECTION 12-304 POOL, BILLIARD AND OTHER RECREATIONAL HALLS; AMUSEMENT DEVICES.

1. It shall be unlawful for any owner, manager or operator to employ or permit any minor (as defined by current State Law) to work in a pool, billiard, domino or card hall or parlor; it shall be unlawful for any minor (as defined by current State Law) to work in such a hall or parlor.
2. It shall be unlawful for any person in charge of any hall or parlor mentioned in Subsection 1 (above) to permit any minor (as defined by current State Law) to loiter in such a hall or parlor, or to play games therein, unless he is accompanied by a

- parent or guardian; it shall be unlawful for such person to loiter in such a hall or parlor, or to play games therein unless he is accompanied by a parent or guardian.
3. It shall be unlawful for the owner, manager or operator of a pool, snooker, billiard, domino or card hall or parlor, or bowling alley to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise, loud music, profane language or any other violation of State Laws or this Code of Ordinances.
 4. Subsections 1 through 3 (above) shall not, however, apply to establishments created as family entertainment and recreation centers for the use and enjoyment of the entire family (regardless of age). It shall be unlawful for the owner, manager or operator of such a family center to permit the sale, furnishing or drinking of alcoholic beverages of any type.
 5. No person, firm or corporation, either as principal or agent, shall own, operate, lease or permit to be operated on the business premises of such person, firm or corporation, any form of coin-operated machine or other device intended for the use of, or used by, persons patronizing such business for such persons' amusement or entertainment, including but not limited to bowling machines, shuffleboards, pinball and associated similar machines, and music playing machines commonly called juke boxes, without first paying to the Town Clerk-Treasurer the License fee hereinafter prescribed and procuring a License therefor.
 - a. The License fee prescribed above shall be, unless otherwise specified on the face of the License, an annual License fee and shall expire on the last day of May of the year for which it is issued. No License shall be issued until the amount prescribed therefor has been paid in full to the Town Clerk-Treasurer. All Licenses procured under the provisions of this Part shall be prominently displayed on, or in the immediate vicinity and in clear view of, the machine for which it was purchased. Licenses shall be signed by the Town Clerk-Treasurer, who shall affix the corporate seal of the Town thereto.
 - b. The annual License fee imposed above shall be as determined by motion of the Town Board of Trustees, per machine or shuffleboard.

SECTION 12-305 PAWNBROKERS.

1. Every pawnbroker shall keep a register, in which shall be recorded an adequate description of all property purchased, taken or received, including any number that may be thereon. The following information shall be recorded in the register:
 - a. The date when all property is received;
 - b. The name of the person leaving the property;

- c. The address of said person;
 - d. The amount loaned; and
 - e. The time when the loan is to become due.
2. The pawnbroker shall give, without charge to the person leaving or pledging property, a legible ticket containing a true copy of all entries made in the register concerning the property left or pledged.
 3. The register herein required to be kept, shall be subject to the inspection at any time by the Chief of Police, any policeman, the County Sheriff or any Deputy Sheriff of the County, the Town Attorney, the District Attorney or any person authorized in writing to make such inspection by the Chief of Police. Upon request, the pawnbroker will show to such officer or person for inspection, any article or articles purchased, taken or received, unless such article or articles have already been disposed of.

SECTION 12-306 VIDEO GAMES AND COIN-OPERATED AMUSEMENT DEVICES.

A license fee is hereby levied on coin-operated amusement devices, including but not limited to video games, in the same amount as the state license fee, or in the maximum allowed by State Law, on each device. Such fee shall be payable to the Town Clerk-Treasurer at the same time and manner as the State License fees are payable to the State.

CHAPTER 4

GARAGE SALES

Section 12-401	Garage sales defined.
Section 12-402	Exemptions.
Section 12-403	Permit required; application.
Section 12-404	Revocation.
Section 12-405	Terms.
Section 12-406	Signs.

SECTION 12-401 GARAGE SALES DEFINED.

A garage sale as regulated by this Part, is defined as a sale of tangible personal property had in a district of the City so zoned as not to permit a regular established business engaged in the sale of merchandise, to which sale the public is invited by an advertisement or otherwise, and shall include but not be limited to:

1. Lawn sales
2. Attic sales
3. Flea market sales or
4. Similar sales

SECTION 12-402 EXEMPTIONS.

The provisions of this Part shall not apply to the following:

1. Sales held pursuant to the order or process of a court of competent jurisdiction;
2. Persons acting pursuant to their duties as public officials;
3. Persons offering or selling personal property specifically described in the advertisement thereof, such items not to exceed ten (10) in number.
4. Duly licensed auctioneers selling at auctions;
5. Sales of other character and nature regulated by other Ordinances of the City; or
6. Sales by business establishments from locations in areas properly zoned thereof
7. Sales conducted by non-profit organizations.
- 8.

SECTION 12-403 PERMIT REQUIRED; APPLICATION.

It shall be unlawful for any person, firm, organization or cooperation to hold or advertise a garage sale, as defined herein, without first obtaining a Permit therefor from the Town Clerk-Treasurer. Such permit shall be issued without charge pursuant to an application made by the person or organization to hold or conduct such sale. Such application shall give the following information:

1. Date and location of the sale;
2. The number of days on which the sale is to be held which shall not exceed the limit set forth herein
3. The date of any prior similar sale by the applicant

SECTION 12-404 REVOCATION.

If false information or representations are contained in such application, the permit issued thereon shall be void and subject to revocation by the Town Clerk-Treasurer.

SECTION 12-405 TERMS.

No permit for a garage sale shall be issued for a longer period than three (3) days, and the same person or organization shall not hold more than two (2) such sales with a period of one (1) year, nor shall more than two (2) sales be held at the same place within a period of one (1) year. If a sale is prevented by inclement weather, a new permit may therefor be issued. A permit shall not be issued for goods or merchandise acquired by the applicant for the purpose of resale

SECTION 12-406 SIGNS.

Signs advertising garage sales shall not be placed on the city right of ways, or on the property of persons other than the one holding such sale without express permission. All signs must be removed within twenty-four (24) hours after the sale ends.

CHAPTER 5

PENALTY

Section 12-501 Penalty.

SECTION 12-501 PENALTY.

Any person who violates any provision of this Part shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in this Code of Ordinances, and is subject to revocation of any License. Each day upon which a violation

continues shall constitute a separate offense. Conviction shall also void any and all Licenses and Permits issued under the provisions of this Part, to the person, firm or corporation in violation of said provisions.

PART 13

OFFENSES AND CRIMES

CHAPTER 1

GENERAL PROVISIONS

Section 13-101	Attempts to commit an offense.
Section 13-102	Aiding in an offense.
Section 13-103	“Offense” defined.
Section 13-104	“Violation” defined.
Section 13-105	Penalty not to excuse offense.
Section 13-106	Capacity to commit offense.
Section 13-107	Intoxication, no defense.
Section 13-108	Witness, self incrimination.
Section 13-109	Nuisances.
Section 13-110	Conspiracy.
Section 13-111	Limitations of actions.
Section 13-112	Lawful use of force.
Section 13-113	General and specific penalties.

CHAPTER 2

OFFENSES AGAINST PERSONS

Section 13-201	Assault and battery.
Section 13-202	Assault defined.
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Section 13-204	Reckless conduct.

CHAPTER 3

OFFENSES AGAINST PROPERTY

Section 13-301	Petit larceny; embezzlement.
Section 13-302	Larceny by false pretense.
Section 13-303	Altering keys.
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Section 13-307	Failure to pay fare for public conveyance.
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Section 13-310	Defacing building, damaging property.
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Section 13-312	Damaging private property.
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Section 13-318	Congregating, parking on premises after hours.
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Section 13-320	Throwing or shooting at persons, property.
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Section 13-323	Posting advertising matter on building of another.
Section 13-324	Prohibition of signs or advertising within or upon municipal streets, easements or rights of way.
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Section 13-327	Electric fences prohibited.
Section 13-328	Unlawful use of another's garbage or refuse containers.

CHAPTER 4

OFFENSES AGAINST PUBLIC PEACE

Section 13-401	Disturbing the peace.
Section 13-402	Disturbing funerals.
Section 13-403	Disorderly conduct.
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CHAPTER 5

OFFENSES AGAINST THE PUBLIC

Section 13-501	Public intoxication.
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Section 13-507	Prowling on premises.
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Section 13-509	Obscene, threatening or harassing telephone calls.
Section 13-510	Disorderly house.
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CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 13-601	Escaping custody.
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Section 13-603	Assisting prisoner to escape.
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Section 13-605	Assaulting town officer.
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Section 13-612	False statements, reports or complaints.
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CHAPTER 1

GENERAL PROVISIONS

Section 13-101	Attempts to commit an offense.
Section 13-102	Aiding in an offense.
Section 13-103	“Offense” defined.
Section 13-104	“Violation” defined.
Section 13-105	Penalty not to excuse offense.
Section 13-106	Capacity to commit offense.
Section 13-107	Intoxication, no defense.
Section 13-108	Witness, self incrimination.
Section 13-109	Nuisances.
Section 13-110	Conspiracy.
Section 13-111	Limitations of actions.
Section 13-112	Lawful use of force.
Section 13-113	General and specific penalties.

SECTION 13-101 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 to intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself.

SECTION 13-102 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.

SECTION 13-103 “OFFENSE” DEFINED.

The word “offense,” whenever used in this Code or in any part, chapter, article or ordinance of the Town means the unlawful act of doing, or failing to do, some particular act or thing construed therein to be detrimental to the general welfare, morals, peace, health or safety of the inhabitants of the Town.

SECTION 13-104 “VIOLATION” DEFINED.

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this Code or any part, chapter or article hereof, or future ordinances of the Town, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the Town and unlawful.

SECTION 13-105 PENALTY NOT TO EXCUSE OFFENSE.

The imposition of one penalty for an offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties, should the offenses be continued or permitted to continue.

SECTION 13-106 CAPACITY TO COMMIT OFFENSE.

All persons are capable of committing an offense as herein provided, except those belonging to the classes following:

1. Children under the age of seven (7) years;
2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;
3. Lunatics, insane persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were involuntarily incapable of knowing its wrongfulness;
4. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;
5. Persons who committed the act charged without being conscious thereof, involuntarily; and
6. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors.

SECTION 13-107 INTOXICATION, NO DEFENSE.

No act committed by any person while in a state of intoxication, whether from liquor or drugs, shall be deemed less an offense by reason of his being in such condition.

SECTION 13-108 WITNESS, SELF INCRIMINATION.

No person otherwise competent as a witness, shall be incapacitated, excused or disqualified from testifying concerning the offense mentioned in any section, chapter or title of this Code, or any ordinances hereafter enacted on the ground that his testimony might incriminate him, but the testimony which may be given by such witness shall in no case be used against him.

SECTION 13-109 NUISANCES.

It is unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance on or about any premise or premises owned by him or under his control at any place within the corporate limits of the Town.

Cross Reference: Nuisances, Secs. 11-101 et seq. of this Code.

SECTION 13-110 CONSPIRACY.

Any two (2) or more persons assembled or who shall assemble with the intent to mutually agree to do any unlawful act with force or violence and shall make any movement therefor against the property of the Town or the person or property of another person shall be guilty of an offense.

SECTION 13-111 LIMITATIONS OF ACTIONS.

The time within which a charge may be filed under the provisions of this chapter shall be one year from the date of the commission or omission or in cases involving fraud, deception or deceit, one year from the discovery of the fraud, deception or deceit unless otherwise provided by the Statutes of the State.

SECTION 13-112 LAWFUL USE OF FORCE.

- A. To use or to attempt to offer to use force upon or toward the person of another is not unlawful in the Town in the following cases:
1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction;
 2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody;
 3. When committed either by the party about to be injured, or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his lawful possession; provided, the force used is not more than sufficient to prevent such offense, and that the same shall be necessary for the self-defense of his person or property;
 4. When committed by a parent or authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by his refusal to obey the lawful command of such parent or

authorized agent or guardian, master or teacher, and the force used is reasonable in manner and moderate in degree;

5. When committed by a carrier of passenger, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, interurban car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his personal safety;
6. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person;
7. In preventing or interrupting an intrusion upon the lawful possession of property; and
8. To preserve the peace or prevent the commission of an offense.

B. Where force is permitted to effect a lawful purpose only that degree of force necessary to effect such purpose shall be used.

SECTION 13-113 GENERAL AND SPECIFIC PENALTIES.

- A. Any violation of any of the provisions of Part 10, Offenses and Crimes, by any person, firm or corporation, shall be deemed a misdemeanor and shall be punishable by fine. Punishment shall be as provided in Section 1-108 of this Code unless otherwise specifically shown.
- B. Any person firm or corporation who is charged with the following offenses shall be subject to a fine of Seven Hundred Fifty Dollars (\$750.00), excluding costs, and shall be subject to a sentence of incarceration of up to sixty (60) days in jail for each offense:

14. Assault and Battery Section 13-201
15. Assault and Battery on a Police Officer..... Section 13-605
16. Injured to Private or Public PropertySection 13-310, 13-315
17. Petit Larceny Section 13-301
18. Obtaining Merchandise or Services by False Pretenses Section 13-302
19. Possession of Stolen Property Section 13-304
20. Defrauding Public Accommodation Section 13-305
21. Bogus Checks..... Section 13-308
22. Defacing a Public Building or Structure Section 13-310

23. Damage or Destruction of Private Property	Section 13-312
24. Damage to Public Works	Section 13-313
25. Damage to a Vehicle	Section 13-314
26. Tampering with Public Utilities.....	Section 13-315

CHAPTER 2

OFFENSES AGAINST PERSONS

Section 13-201	Assault and battery.
Section 13-202	Assault defined.
Section 13-203	Battery defined.
Section 13-204	Reckless conduct.

SECTION 13-201 ASSAULT AND BATTERY.

No person shall commit an assault or battery, or both, upon the person of another.

State Law Reference: Assault and battery generally, 21 O.S. Sec. 641 et seq.; town's power to prevent, 11 O.S. Sec. 22-110.

SECTION 13-202 ASSAULT DEFINED.

An assault is any willful and unlawful attempt or offer with force or violence to do corporal hurt to another.

SECTION 13-203 BATTERY DEFINED.

A battery is any willful and unlawful use of force or violence upon the person of another.

SECTION 13-204 RECKLESS CONDUCT.

- A. Reckless conduct, as used in this section, consists of an act which creates a situation of unreasonable risk and probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another.
- B. It is unlawful for any person to endanger another's safety by reckless conduct in the operation or handling of any weapon or instrument, including a pistol, revolver or other firearm.

CHAPTER 3

OFFENSES AGAINST PROPERTY

Section 13-301	Petit larceny; embezzlement.
Section 13-302	Larceny by false pretense.
Section 13-303	Altering keys.
Section 13-304	Possession of stolen property.
Section 13-305	Defrauding public accommodations; proof; exception.
Section 13-306	Concealing unpurchased merchandise, merchant's authority to detain.
Section 13-307	Failure to pay fare for public conveyance.
Section 13-308	False or bogus checks.
Section 13-309	Harmful deception.
Section 13-310	Defacing building, damaging property.
Section 13-311	Removing or breaking private property.
Section 13-312	Damaging private property.
Section 13-313	Public works under construction.
Section 13-314	Damaging or tampering with motor vehicle.
Section 13-315	Tampering with or damaging of utilities.
Section 13-316	Destroying trees and shrubbery.
Section 13-317	Trespassing prohibited notice, trespass prohibited.
Section 13-318	Congregating, parking on premises after hours.
Section 13-319	Unlawful intrusion on land.
Section 13-320	Throwing or shooting at persons, property.
Section 13-321	Throwing out lighted substances or debris prohibited.
Section 13-322	Littering, deposits unlawful.
Section 13-323	Posting advertising matter on building of another.
Section 13-324	Prohibition of signs or advertising within or upon municipal streets, easements or rights of way.
Section 13-325	Interference with radio, television or telephone reception of others.
Section 13-326	False weights.
Section 13-327	Electric fences prohibited.
Section 13-328	Unlawful use of another's garbage or refuse containers.

SECTION 13-301 PETIT LARCENY; EMBEZZLEMENT.

No person shall steal, take and carry away by fraud or stealth, with intent to deprive another thereof, any personal property under the value of \$1,000.00, or embezzle any money, personal property or effects of another valued in or above said amount. If convicted punishment shall be a fine in an amount not to exceed the sum of \$500.00 plus fine and costs and possible incarceration. This section does not apply to taking property from the "person" of another.

State Law Reference: Larceny, 21 O.S. Secs. 1701 et seq.; embezzlement, 21 O.S. Secs. 1451 et seq.

SECTION 13-302 LARCENY BY FALSE PRETENSE.

No person shall induce, or attempt to induce, any person to give up or pay over any money or other thing of value which money or value does not exceed One Hundred Dollars (\$100.00), by any false representation or pretense, or in exchange for any false or bogus coin or check, draft or other false evidence of value, or in consideration of refraining from a lawful or unlawful arrest, or in consideration of refraining from reporting any unlawful act to any public official.

SECTION 13-303 ALTERING KEYS.

No person shall make or alter or attempt to make or alter any key or other instrument that will open the lock of a building unless requested to do so by some person having the right and authority to make such request.

SECTION 13-304 POSSESSION OF STOLEN PROPERTY.

No person shall keep in his possession, or dispose of, or conceal any stolen property, or fail promptly to inform some proper official of the possession thereof, under circumstances indicating that such property has been stolen or the possession thereof obtained unlawfully.

State Law Reference: Receiving stolen property, 21 O.S. Sec. 1713.

SECTION 13-305 DEFRAUDING PUBLIC ACCOMMODATIONS; PROOF; EXCEPTION.

- A. No person shall obtain food, lodging or other accommodation in any hotel, motel, inn, boarding, eating or rooming house or place, or any other lodging place, with the intent to defraud the owner or keeper.
- B. Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel, motel, inn, boarding, eating or rooming house or place, or other lodging place, without paying or offering to pay for the food, lodging or other accommodation or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be prima facie proof of attempt to defraud.
- C. No person shall refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and no person shall hire any vehicle with intent to defraud the person from whom it is hired of the value of such service.
- D. This section shall not apply where there has been an agreement in writing for delay in payment.

SECTION 13-306 CONCEALING UNPURCHASED MERCHANDISE; MERCHANT'S AUTHORITY TO DETAIN.

Any person concealing unpurchased merchandise of any establishment, either on the premises or outside the premises of the establishment, shall be presumed to have so concealed the merchandise with the intention of committing a wrongful taking of such merchandise. Such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be conclusive evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his agent or employee; any such reasonable detention shall not be deemed to be unlawful nor render any such merchant, his agent or employee, criminally or civilly liable.

SECTION 13-307 FAILURE TO PAY FARE FOR PUBLIC CONVEYANCE.

No person shall use or accept the use and services of any street car, taxi cab, omnibus, automobile or any other means of public conveyance or passengers, operating under the Code, ordinance, franchise, permit or license of the Town or State, and refuse or fail to pay to the operator of the conveyance the usual, customary, regulation or legal charge, or price as fare immediately upon the performance of the service.

SECTION 13-308 FALSE OR BOGUS CHECKS.

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person any money, property or valuable thing 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 13-309 HARMFUL DECEPTION.

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

SECTION 13-310 DEFACING BUILDING, DAMAGING PROPERTY.

- A. No person shall purposely deface or damage any public or private building or appurtenances thereof, or any fence, street, bridge, sidewalk, driveway, street, or public work.

- B. No person shall:
 - 1. Destroy, injure, deface, damage or molest any structure, building, work or other property, real or personal, belonging to another;
 - 2. Use such property wrongfully to the detriment of the owner or other person entitled to its use; or
 - 3. Interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

State Law Reference: Destroying property generally, 21 O.S. Sec. 1760.

SECTION 13-311 REMOVING OR BREAKING PRIVATE PROPERTY.

No person shall willfully, unlawfully or maliciously take and carry or cause to be taken and carried away any part of a house, barn, fence, gate or other structure, or maliciously break, tear down or destroy any part of a house, barn or other structure not his own.

SECTION 13-312 DAMAGING PRIVATE PROPERTY.

No person shall willfully and wantonly damage or destroy the personal property of another.

SECTION 13-313 PUBLIC WORKS UNDER CONSTRUCTION.

- A. Any person who removes, destroys, disturbs, or in any manner injures any grade, stake, stone or other mark or monument set by or under authority of the Town to designate or mark grades, lines, corners or bench marks on any public work in the Town prior to the completion and acceptance of the contract for which such stakes or monuments are set, without lawful authority, is guilty of an offense.

- B. Any contractor or other person constructing any public work in the Town shall protect such work by barriers or obstructions. It is unlawful for any person to cross the barriers or to remove them until the work has been completed and opened by authority of the Town.

SECTION 13-314 DAMAGING OR TAMPERING WITH MOTOR VEHICLE.

- A. No person, other than a peace officer in the performance of his official duties, shall, with intent and without right to do so, injure or tamper with any vehicle or in any other manner damage any part or portion of the vehicle or any accessories, appurtenances or attachments thereto.
- B. No person, other than a peace officer in the performance of his official duties, shall, without right to do so and with intent to commit a crime, climb into or upon a vehicle, whether it is in motion or at rest, attempt to manipulate any of the lever, starting mechanism, brakes or other mechanism or device of the vehicle while the vehicle is at rest and unattended, or set in motion any vehicle while the vehicle is at rest and unattended.

State Law Reference: Damaging motor vehicles, 21 O.S. Secs. 1787, 1788.

SECTION 13-315 TAMPERING WITH OR DAMAGING OF UTILITIES.

- A. No person shall alter, remove, tamper with, molest, damage or injure any wires, cable, appurtenance, structure, pipes or equipment of any utility of the Town, or any public utility, or connect or tamper with the wires, cables or pipes of any electric, water, sewer, cable television or gas utility or of the Town without consent of the utility or Town having been first obtained.
- B. It is unlawful to open up any manhole or opening to a sewer unless authorized by the Town, or to leave a manhole or other opening so opened without replacing the fixture or appliances thereto in their proper place and position.
- C. No person except a member of the fire department or a person acting on lawful order or permit issued by the Town shall open or use water from any fire hydrant or take off the caps or damage the same. No person may block the approach or access to a fire hydrant or attach, fasten, stand or brace anything against or on the hydrant.
- D. No person shall in any manner whatsoever:
 - 1. Cut into, attach to or intercept the wires, cables or pipes, of any electric, water, cable television or gas utility or of the Town for the purpose of fraudulently taking therefrom electric current, water, transmissions or gas;
 - 2. Cut into, attach to or intercept the wires, cables or pipes for the purpose of conducting around any meter electric current, water or gas in order to prevent the current, water or gas from being measured by the meter, or in such other manner so as to consumer or use the utility or cable service so as to evade payment therefor, with the unlawful intent to defraud the company or Town out of the value of the service; or

3. By any device or manipulation whatsoever to cause current, transmissions, water or gas used upon any premises to be fraudulently conveyed upon any premises for the purposes of use thereof, and with the intent to defraud and cheat the utility or Town from payment thereof.
- E. Each day that any person maintains any such fraudulent connection with any wires, cables or pipes, or fraudulently takes from any such wires, cables or pipes either electric current, transmissions, water or gas shall constitute a separate offense.

Cross Reference: Utilities, see Secs. 19-101 et seq. of this Code.

SECTION 13-316 DESTROYING TREES AND SHRUBBERY.

- A. No person shall willfully, maliciously and without lawful authority cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root or plant, grape or strawberry vine, shrub or plant whatever standing on or attached to the land of another, or pick, destroy, carry away therefrom, or in any way interfere therewith, any of the fruit thereof.
- B. No person shall willfully or without lawful authority cut down, destroy, root up or in any manner injure any fruit, shade or ornamental tree, shrub or vine planted or growing on any street, land, avenue, alley or other public ground of the Town.

SECTION 13-317 TRESPASSING PROHIBITED, NOTICE, SOLICITING, TRESPASS PROHIBITED.

- A. It is unlawful and an offense for any person to commit a trespass within this Town upon either public or private property.
- B. Trespass shall include each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner or other person in lawful possession of the premises. Trespass shall also mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal command of the owner, his agent, or employee, or after having been directed to do so by a police officer, although this sentence shall not apply to persons including employees whose presence upon the premises is authorized by the owner or by a person in lawful possession of such premises. Trespass shall also include the act of returning to private property after having been directed to vacate the premises by the owner, his agent, employee or police officer under the terms of this section.
- C. Any of the following acts by any person shall be deemed a violation of this section:

1. The doing of an injury or misfeasance to the person of another;
2. The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied;
3. Each and every actual entry upon the premises of another owner or person in possession of real property, whether the property is public or private, without the owner's or occupant's consent, express or implied;
4. An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;
5. An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof;
6. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;
7. An entry upon any public property in violation of any notice, warning or protest given orally or in writing by a Town Official;
8. If on the property of another, or upon public property lawfully, a failure or refusal to depart in case of being requested to so depart orally or written, by any owner, lawful occupant, or by a Town Official;
9. An entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment or device where such use is specifically prohibited;
10. An entry of any public building except for the purpose of dispatching business with the public corporation or consent is obtained from the Town Board of Trustees or other public official which is lawfully authorized to give consent; or
11. Remaining on public or private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this paragraph shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this paragraph apply unless hours of business operation are posted upon such premises. Trespass also includes the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this paragraph.

- D. For purposes of constituting a violation of this section, the exhibited notice required under paragraphs 4, 5, 6, 7 and 9 of Subsection C hereof shall meet the following criteria:
1. The notice shall be plainly posted in a place or places conspicuous to those who would enter the property;
 2. The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and
 3. If upon property to which the public is invited at least some part of the day, the notice shall clearly specify the days and times of day entry is prohibited, and further specify that entry at such times constitutes a punishable offense under the Town Code.

SECTION 13-318 CONGREGATING, PARKING ON PREMISES AFTER HOURS.

- A. No person shall stand, walk, sit, lie, congregate or otherwise occupy or remain upon the premises of any place or business within the Town after business hours without consent of the lawful owner, occupant, lessee or employee thereof.
- B. No person shall stop, stand, park, leave, or place any motor vehicle, whether occupied or not, upon any public or private property without the consent of the owner, occupant, lessee or employee thereof, except where such property is provided for public parking and the use for such parking is not restricted by proper notice. In addition to fine or other punishment for a violation of this subsection, the vehicle so parked, left or placed shall be subject to impoundment upon complaint of the property owner or lawful occupant; the person violating this subsection shall be wholly responsible for payment of towage and storage charges.
- C. No person may be charged under this section unless the premises in question is posted with a conspicuous sign which states, substantially, that the premises are posted, and that any person congregating, occupying or remaining upon the premises or parking or leaving a motor vehicle thereon, is subject to prosecution pursuant to the Town Code.
- D. When used in this section, the term “after business hours” shall mean that the doors of the business which are open to the public during business hours are closed and locked and that the business is no longer admitting customers. The term applies to places of business which are vacant or permanently or temporarily closed or otherwise unoccupied. The term “place of business” means any private property upon which a building, house or other structure is used for commercial or public purposes, e.g., without limitation, restaurants, gas stations, shopping malls or centers, theaters, convenience stores, grocery stores, drug stores or pharmacies, recreational facilities, wholesale or retail sales activities, offices, banks or other financial institutions,

manufacturing, professional services (medical, legal, accounting, insurance, consulting).

- E. There is a rebuttable presumption that any person or motor vehicle upon the premises of a place of business that is properly posted pursuant to this section after such time as the front door or other such door that admits members of the public is closed and locked is on the premises of such business unlawfully under this section; however, this presumption shall not be applied within thirty (30) minutes of any opening or closing times posted by such place of business. This presumption may only be rebutted by proof beyond a reasonable doubt that any person held by the municipal judge to be subject to this rebuttable presumption was on the premises in question with permission of the lawful owner, occupant, lessee or employee thereof.
- F. If a motor vehicle is alleged to be unlawfully parked or left under this section, it shall be rebuttably presumed that the person in whose name the motor vehicle was last registered was the person who parked or left the motor vehicle.
- G. The parking or leaving of a motor vehicle as set forth herein shall constitute the offense of unlawful parking or leaving a motor vehicle after business hours, punishable as provided in Section 1-108 of this Code.
- H. If a person violates Subsection A of this section, it shall constitute the offense of unlawful presence on property after business hours or congregating after business hours and is punishable as provided in Section 1-108 of this Code.
- I. The provisions of this section are cumulative of other applicable offenses enacted in this Code or State Law.

SECTION 13-319 UNLAWFUL INTRUSION ON LAND.

- A. No person shall intrude or remain upon any lot or piece of land, or in any building within the Town without license or authority from the owner thereof, or erect or occupy thereon any structure whatever without such license or authority.
- B. No person shall place, erect or occupy within the bounds of any street, alley or avenue of the Town any structure whatever unless such person is granted a license by the Town to do so.

SECTION 13-320 THROWING OR SHOOTING AT PERSONS OR PROPERTY.

No person shall throw or shoot any object into or across any street or alley, or in any place where he is likely to hit another person wrongfully, or injure property, or to throw any object at any person, vehicle, structure, or property of another, whether public or private, except where such is done in defense of oneself or another person or property.

SECTION 13-321 THROWING OUT LIGHTED SUBSTANCES OR DEBRIS PROHIBITED.

No person shall throw, drop, deposit or otherwise place in, upon or within the limits of any street, avenue, public ground, public waterway or Town-owned property or waterway any lighted cigarette, cigar or other flaming or glowing substances, or any substance or thing which may cause a fire.

SECTION 13-322 LITTERING, DEPOSITS UNLAWFUL.

It is unlawful to throw, deposit or discharge any item or waste material, liquid or solid, on any street or public place in the Town or upon the property of another without express authority to do so.

SECTION 13-323 POSTING ADVERTISING MATTER ON BUILDING OF ANOTHER.

- A. No person shall place upon any building any advertising matter of any kind, nor print or exhibit printing on a building or any part thereof, in words, signs or characters, except with the express consent of the owner, lessee or authorized agent of the owner of the building.
- B. No person shall place, post, paint, mark, write, print or put any sign, poster, picture, announcement, writing, device advertisement or other marking upon any public or private building, fence, sidewalk, bridge, post, automobile or vehicle or property of another without the consent of the owner or person in charge thereof.

SECTION 13-324 PROHIBITION OF SIGNS OR ADVERTISING WITHIN OR UPON MUNICIPAL STREETS, EASEMENTS, OR RIGHTS OF WAY.

It is unlawful for any person, or the officer or employee of any person to erect on or over or in any manner display signs or advertisements on, over or within any street, right of way, road easement, utility easement, sidewalk, alley, or upon any utility pole or governmental sign or pole, no matter if owned in fee or by easement, or whether owned by the municipality or by franchisee within the Town of Kiefer. This prohibition shall specifically include but not be limited to any and all advertising signs or banners of any type. This ordinance shall not prevent the placement and maintenance of privately owned canopies or marquees over sidewalks so long as such are at a height which does not interfere with pedestrian traffic, and do not extend so as to obstruct the vision or traffic at or upon any street or intersection.

Nothing herein shall prevent any business concern from erecting or maintaining business or commercial signage when lawfully erected on any private location in conformity with the ordinances and statutes of the Town of Kiefer and the State of Oklahoma. Further, the Board of Trustees reserves the right to allow the advertisement of religious, charitable, patriotic and civic activities and events upon and within municipal property upon proper application to the Kiefer City Clerk, and proper approval of the Kiefer Board of Trustees. Said exceptions shall only be allowed for such limited purposes as advertising the observance of holidays, charitable events,

and for the commemoration and celebration of such public and civic events. Such approved advertisements shall be allowed only for specifically limited periods of time as the Kiefer Board of Trustees may approve.

Nothing shall prevent the Town of Trustees, its employees or its lawful franchisees from placing and erecting any signs, notices, warnings or identifying information necessary to their lawful needs and responsibilities.

SECTION 13-325 INTERFERENCE WITH RADIO, TELEVISION OR TELEPHONE RECEPTION OF OTHERS.

It is unlawful for any person, or any officer or employee of any person, to operate or use any citizen band radio, ham radio or other electrical apparatus or machine which materially and unduly interferes with radio, television or telephone reception of others.

SECTION 13-326 FALSE WEIGHTS.

It is unlawful for any person to sell any commodity or article of merchandise and in the sale thereof knowingly make or give a false or short weight therefor or for any person owning or keeping or having in charge any scale used in weighing any animal, commodity or article to knowingly and willfully report any false or untrue weight whereby another person shall be defrauded or damaged.

SECTION 13-327 ELECTRIC FENCES PROHIBITED.

It is unlawful for any person to erect, install or maintain any electrically charged fence within the Town, except that the building official may issue a permit for an electrically-charged fence to retain animals upon proof that the fence will not be hazardous to life, and upon proof that the electric charge is regulated by a controlling device.

Cross Reference: See also Part 5 of this Code on building permits.

SECTION 13-328 UNLAWFUL USE OF ANOTHER'S GARBAGE OR REFUSE CONTAINER.

- A. It is unlawful and an offense for any person to dispose of garbage, refuse, rubbish or waste into any refuse container, dumpster or other receptacle for the deposit of same belonging to or leased by another, whether by rental agreement, lease or agreement with the Town or a public or private trash, garbage or refuse hauling service, without the permission of the owner, lessee or other person entitled to the possession or use thereof.
- B. It is unlawful and an offense to use the Town's dumpsters for dumping without an issued permit therefor.

CHAPTER 4

OFFENSES AGAINST PUBLIC PEACE

Section 13-401	Disturbing the peace.
Section 13-402	Disturbing funerals.
Section 13-403	Disorderly conduct.
Section 13-404	Unnecessary noise prohibited.
Section 13-405	Parades and public assemblies.

SECTION 13-401 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. Obstructing the free passage of pedestrians or vehicles on a street, right-of-way or sidewalk, or other public place;
 9. Obstructing, molesting or interfering with any person lawfully in a public place;

10. Making unnecessarily loud, offensive noises;
 11. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or
 12. Committing any other act in such a manner calculated as to unreasonably disturb, interfere or alarm the public or the comfort and repose of any person.
- C. Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in Subsection A herein, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place; and any who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.
- D. This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.

SECTION 13-402 DISTURBING FUNERALS.

No person shall willfully disturb, interrupt or disquiet any assemblage of people who have met for the purpose of any funeral, or obstruct or detain any person engaged in accompanying any funeral to a place of burial.

SECTION 13-403 DISORDERLY CONDUCT.

A person shall be guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, alarm or recklessly creating the risk thereof he:

1. Acts in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;
2. Acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
3. Endangers the lawful pursuits of another by acts of violence, angry threats and abusive conduct;
4. Jostles or crowds or pushes any person in any public place;
5. Uses "fighting words" directed toward any person and thus creates a turmoil;
6. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or

7. By acts of violence interferes with another's pursuit of a lawful occupation.

State Law Reference: Power of Town relating to disorderly conduct, 11 O.S. 22-110.

SECTION 13-404 UNNECESSARY NOISE PROHIBITED.

- A. No person shall make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Town.
- B. Permits may be granted by the Town for certain activities and events which are exempt from the provisions of this section.

State Law Reference: Town's power to restrain and prohibit unnecessary noise, 11 O.S. Sec. 22-110.

SECTION 13-405 PARADES AND PUBLIC ASSEMBLIES.

- A. As used in this section, "parade" means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the Town.
- B. No person shall use any street, alley, public way, park or other property owned or controlled by the Town, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose. The permits may be granted by the Town Clerk under such conditions as deemed appropriate.
- C. Permits shall not be required under this section in the case of construction or repairs to or within any such street or property, provided all other requirements of this Code are complied with.
- D. Not less than two (2) weeks prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the Town. The time requirements may be waived by the Town Clerk at his discretion if sufficient time exists for the proper review of the application as herein provided. The application shall be submitted upon a form prescribed by the Town. The application shall provide such other information as requested.

- E. The Town Clerk shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
 2. The conduct of the parade will not require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Town;
 3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town other than that to be occupied by the proposed line of march and areas contiguous thereto;
 4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
 5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
 6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and
 7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- F. The Town Clerk, in such cases as shall be determined in his discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the Town harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit.
- G. Without regard to the above provision of this division, the Town Clerk, from his consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this chapter when, from this information, he has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.
- H. The Town Clerk, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall so indicate within five (5) days after notice of the action of the Town Clerk. An alternate parade

permit shall conform to the requirements of, and shall have the effect of, a parade permit under this section.

State Law Reference: Power of local authorities to regulate assemblies, 47 O.S. Sec. 15-102.

CHAPTER 5

OFFENSES AGAINST THE PUBLIC

Section 13-501	Public intoxication.
Section 13-502	Marijuana prohibited, except with prescription
Section 13-502.2	Possession of any Class II, III, or IV drug
Section 13-502.3	Possession of Prescription Drug
Section 13-503	Drug paraphernalia.
Section 13-504	Sniffing glue, paint and other substances.
Section 13-505	Curfew for minors.
Section 13-506	False representation as blind, crippled or physically defective to obtain money, aid.
Section 13-507	Prowling on premises.
Section 13-508	Misrepresenting age by false documents.
Section 13-509	Obscene, threatening or harassing telephone calls.
Section 13-510	Disorderly house.
Section 13-511	Nudity, improper dress, indecent exposure.
Section 13-512	Gambling and gambling devices.
Section 13-513	Prostitution prohibited.
Section 13-514	Offenses near schools.
Section 13-515	Sleeping in places, property.
Section 13-516	Contributing to delinquency of a minor.
Section 13-517	Tobacco to minors prohibited.

SECTION 13-501 PUBLIC INTOXICATION.

No person shall be in any public place in a state of intoxication. A state of intoxication means the condition in which a person is under the influence of drugs, intoxicating liquors or nonintoxicating beverage to such an extent as to deprive the person of his full mental or physical power or be unable to exercise care for his own safety or the safety of others.

State Law Reference: Drunkards and drunkenness generally, 63 O.S. Secs. 2101, et seq.; intoxication in a public place or at a public gathering, 37 O.S. Sec. 8.

Cross Reference: Drinking in public place, see Secs. 3-109 and 3-210 of this Code; alcoholic beverages generally, Secs. 3-101 et seq. of this Code.

SECTION 13-502 MARIJUANA PROHIBITED.

A. It is unlawful for any person:

1. To appear or be upon or in any street, alley, place of business, or other public place while under the influence of marijuana;

2. To use, have, or possess marijuana upon or in any street, alley, place of business, or other public place within the Town; except with proper prescription;
 3. To use marijuana in any place within the Town except as legally prescribed by a physician licensed to practice in the state; or
 4. To be about a place where marijuana is sold or furnished illegally.
- B. For the purpose of this section, “marijuana” means all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the rosin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or rosin but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except rosin extracted therefrom), fibre, oil or cake or the sterilized seed of such plant which is incapable of germination.
- C. Punishment for possession without a proper prescription may be by fine up to a maximum of \$500.00 plus costs and assessments.

SECTION 13-502.2 POSSESSION OF ANY CLASS II, CLASS III OR CLASS IV SUBSTANCE

The unlawful possession of any Class II, III, or IV substance as defined in 63 OS 210 as first offense within 2000 feet of a public school, park, public playground, or public sanctioned event upon conviction shall be guilty of a misdemeanor, and subject to fine of up to \$800.00 plus costs and assessments and other punishment.

SECTION 13-502.3 POSSESSION OF PRESCRIPTION DRUG WITHOUT PRESCRIPTION

The Possession of any prescription drug as defined in 63 OS 1-313 by any person other than the individual to whom the prescription was written is, upon conviction, guilty of a misdemeanor and is subject to fine of not more than \$500.00 plus costs and assessments and other punishment.

State Law Reference: Controlled Dangerous Substances Act, 63 O.S. Secs. 2-101, et seq.

SECTION 13-503 DRUG PARAPHERNALIA.

- A. It is unlawful for any person to be in possession of any drug paraphernalia for the use of injecting cultivating, growing or smoking marijuana unless said individual has a lawful marijuana use prescription..
- B. For the purpose of this section, “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in

planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, hereinafter referred to as “the act,” and adopted by reference herein. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
3. Isomerization devices used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength effectiveness or purity of controlled substances.
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for used or designed for use in storing or concealing controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and

12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons, and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs; or
 - m. Ice pipes or chiller.
- C. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
 1. Statements by an owner or by anyone in control of the object concerning its use;
 2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
 3. The proximity of the object, in time and space, to a direct violation of the act;
 4. The proximity of the object to controlled substances;
 5. The existence of any residue of controlled substances on the object;

6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of the act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 7. Instructions, oral or written, provided with the object concerning its use;
 8. Descriptive materials accompanying the object which explain or depict its use;
 9. National and local advertising concerning its use;
 10. The manner in which the object is displayed for sale;
 11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 13. The existence and scope of legitimate uses for the object in the community; and
 14. Expert testimony concerning its use.
- D. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.
- E. It is unlawful, for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.
- F. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

State Law Reference: Similar provisions, 63 O.S. Sec. 2-101.1.

SECTION 13-504 SNIFFING GLUE, PAINT AND OTHER SUBSTANCES.

No person shall sniff or inhale paint, glue, gasoline or other volatile substances for purposes of intoxication.

SECTION 13-505 CURFEW FOR MINORS.

- A. This section shall be known and may be cited as the “curfew ordinance” or “regulation of the presence and conduct of minor on streets and public places.”
- B. For the purposes of this section the following terms, phrases, words, and their derivations shall have the meaning given herein:
1. “Minor” means any person under the age of eighteen (18);
 2. “Parent” means any person having legal custody of a minor as:
 - a. A natural or adoptive parent;
 - b. A legal guardian;
 - c. A person who stands in loco parentis; or
 - d. A person to whom legal custody has been given by order of the court;
 3. “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;
 4. “Remain” means to stand behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home;
 5. “Street” means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right-of-way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street;

6. "Time of night" is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public; and
 7. "Year of age" continues from one birthday, such as the seventeenth (17th) to (but not including the day of) the next, such as the eighteenth (18th) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age."
- C. It is unlawful for any person under eighteen (18) years of age to be or remain in or upon the streets within the city at night during the period ending 5:00 A.M. and beginning:
1. At 10:00 P.M. on Sunday through Thursday nights;
 2. At 12:00 midnight on Friday and Saturday nights.
- D. In the following exceptional cases a minor on a city street during the nocturnal hours for which Subsection C of this section is intended to provide the maximum limits of regulation shall not, however, be considered in violation of the curfew ordinance:
1. When accompanied by a parent of such minor;
 2. When accompanied by an adult authorized by a parent of such minor to take the parent's place in accompanying the minor for a designated period of time and purpose within a specified area;
 3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by possessing a written communication, signed by such minor and countersigned, by a parent of such minor with their home address and telephone number, specifying when, and where and in what manner the minor will be on the streets at night (during hours when the curfew ordinance is otherwise applicable to the minor) in the exercise of a First Amendment right specified in such communication;
 4. In case of reasonable necessity, but only if the minor has in the minor's possession a written communication signed by the minor, countersigned by a parent of such minor evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination;
 5. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer;

6. When returning home, by a direct route from (and within thirty (30) minutes of the termination of) a school activity, or activity of a religious or the voluntary association, provided the minor has a written communication in the minor's possession, countersigned by a parent indicating the home address and telephone number, the purpose for the event, when, where and in what manner the minor will be on the streets at night;
 7. When authorized, by regulation issued by the city council, in other similar cases of reasonable necessity, similarly handled but adopted to necessary night-time activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the city council permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than thirty (30) minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this curfew ordinances;
 8. When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and his place of employment and his hours of employment or carries a valid proof of employment which may include the latest payroll receipt not over thirty (30) days old; or
 9. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. This clearly exempts bona fide interstate movement through the city, particularly on normal routes.
- E. It is unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, the curfew ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonably community standard of parental responsibility through an objective test. It shall a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.
- F. It shall be unlawful for any person operating or having charge of any public place to knowingly allow, permit or suffer the presence of minors in violation of the curfew established by this chapter.
- G. Upon finding or having attention called to any minor on the streets in prima facie violation of the curfew ordinance, a police officer of the city shall normally take the minor to the city police station, or other place designated by the Chief of Police, where a parent shall immediately be notified to come for such minor, whereupon they

shall be interviewed. This is intended to permit ascertainment, under Constitutional safeguards, of relevant facts, and to centralize responsibility in the personnel then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall in the first instance use his best judgment in determining age;

1. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances. For example, a minor of tender age near home whose identity may readily be ascertained or is known;
 2. In any event such police officer shall within twenty-four (24) hours, file a written report with the Chief of Police. The report shall be treated for purposes of juvenile records in accordance with State Statutes;
 3. When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent; or
 4. In the case of first violation by a minor, the Chief of Police shall cause to be personally delivered or by certified mail, send to a parent written notice of violation with a warning that any subsequent violation shall result in full enforcement of the curfew ordinance, including enforcement of parental responsibility and of applicable penalties.
- H. If after the warning notice pursuant to paragraph 4 of Subsection G of this section of a first violation by a minor, a parent violates Subsection E. of this section (in connection with a second violation by the minor); this shall be treated as an offense by the parent. The penalty upon a plea of guilty, nolo contendere, or finding of guilt shall be as provided in Section 1-108 of this Code.

SECTION 13-506 FALSE REPRESENTATION AS BLIND, CRIPPLED OR PHYSICALLY DEFECTIVE TO OBTAIN MONEY, AID.

No person shall falsely represent himself as blind, deaf, dumb, crippled or physically defective for the purpose of obtaining money or other things of value, or to secure aid or assistance on account of such false representation.

State Law Reference: Offense against public morals being a misdemeanor, 21 O.S. Sec. 22; public decency generally, 21 O.S. Secs. 22.851, et seq.

SECTION 13-507 PROWLING ON PREMISES.

No person shall be upon the property or premises of another with the intent to peer or peep into the window or door of the dwelling.

State Law Reference: Peeping toms generally, 21 O.S. Sec. 1171.

SECTION 13-508 MISREPRESENTING AGE BY FALSE DOCUMENTS.

No person shall, for the purpose of violating any statutes of the state or any ordinances of the Town, willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age or by presenting a document not his own.

State Law Reference: Misrepresentation of age by false documents, 21 O.S. Secs. 1518-1520.

Cross Reference: Misrepresentation of age by false or altered documentation for purpose of obtaining alcoholic and nonintoxicating beverage, Secs. 3-109 and 3-211.

SECTION 13-509 OBSCENE, THREATENING OR HARASSING TELEPHONE CALLS.

A. No person shall by means of a telephone, willfully:

1. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.
2. Make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;
3. Permit any telephone under his control to be used for any purpose prohibited by this section; or
4. In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number.

B. Use of a telephone facility under this section shall include all uses made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

State Law Reference: Telephone calls, 21 O.S. Sec. 1172.

SECTION 13-510 DISORDERLY HOUSE.

- A. A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:
1. The sale, distribution, possession or use of any controlled dangerous substance, the sale distribution, possession or use of which is declared unlawful by State Statute;
 2. The violation of any of the Ordinances of this Town or Statutes of this State regulating the sale, distribution, possession or use of alcoholic and nonintoxicating beverages as defined by law;
 3. The performance of any sexual act declared unlawful by State Statute or Town Ordinance including, but not limited to, soliciting for purposes of prostitution; or
 4. The violation of any State Statute or Town Ordinance prohibiting gambling.
- B. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
- C. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sublease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.
- D. 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.

State Law Reference: Municipal power to regulate disorderly houses and indecencies, 11 O.S. Sec. 22-109.

Cross Reference: See also Sec. 13-513 on prostitution.

SECTION 13-511 NUDITY, IMPROPER DRESS, INDECENT EXPOSURE.

It is unlawful for any person to:

1. Appear in any public place in the Town in a state of nudity.

2. Appear in any public place in the Town in any offensive, indecent or lewd dress; or
3. Make an indecent public exposure of his or her person.

State Law Reference: Similar provisions, 21 O.S. Sec. 1021.

SECTION 13-512 GAMBLING AND GAMBLING DEVICES.

- A. Any person who plays or carries on, or opens or causes to be opened, or who conducts, either as owner or employee, roulette, craps, or any banking or percentage game, played with dice, cards or any other device, for money, checks, credit or any representative of value, or any other gambling game is guilty of an offense.
- B. Any person who bets on or plays at any of the prohibited games mentioned in Subsection A above, or otherwise gambles, is guilty of an offense.
- C. It is unlawful for any person to exhibit or expose to view in any building, or in any part of or room in any building, any table, cards, dice, roulette wheel or other article or apparatus designed for or used for gambling purposes.
- D. It is unlawful for any person to keep, own, operate, use, conduct or cause to be kept, operated, used or conducted, either as owner, manager, dealer, clerk or employee, and whether for hire or not, any punch board, machine, cards, game, parlay card or any other device or paraphernalia, wherein or whereby any money or property or any representative of either, or other valuable thing, may be played, bet, staked, wagered or hazarded, won, lost or obtained upon any change, combination of numbers, emblems or any uncertain or contingent event or condition, or football or baseball contest.
- E. It is unlawful for any person to play any prohibited game described in this section.
- F. It is unlawful for any person to bar or barricade any building, or any part of or room in any building, in order to render the same difficult of access or ingress to the police officers of the Town, in which building, or any part of or room in any such building, any table, cards, dice, roulette wheel or other article or apparatus designed for or being used for gambling purposes are exhibited or exposed to view.
- G. The apparatus and paraphernalia used in the conduct of any of the gambling games prohibited by this section are hereby declared to be a public nuisance and subject to seizure and suppression by any officer, and shall be abated, forfeited and destroyed upon the order and decree of any court of competent jurisdiction.
- H. It is unlawful for any person to be about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise.

- I. Nothing herein contained shall be construed to prevent the sponsoring and operation of bingo games by nonprofit religious, fraternal, charitable or educational organizations; provided the organizations are properly licensed and operated in accordance with law.
- J. Tax Exempt/Nonprofit Waiver: Any Bingo games conducted by charitable organizations may apply to the Board of Trustees for an annual waiver/ license to allow the conduct of Bingo games.

State Law References: Gambling generally, 21 O.S. Secs. 941 et seq.; punishment for betting on or playing prohibited game, 21 O.S. Sec. 942, bingo generally, 21 O.S. Secs. 995.1 et seq.; Oklahoma Horseracing Act, 3A O.S. Secs. 200 et seq.; disposition of equipment used for gambling, 21 O.S. Sec. 943; search and seizure of equipment used for gambling, 21 O.S. sec. 916; 22 O.S. Secs. 1261 et seq.

SECTION 13-513 PROSTITUTION PROHIBITED.

- A. As used in this section “prostitution” means and includes the getting or receiving of the body for sexual intercourse for hire and includes the giving or receiving of the body for indiscriminate sexual intercourse without hire.
- B. It is unlawful:
 - 1. To engage in prostitution, lewdness or assignation;
 - 2. To solicit, induce, entice or procure another to commit an act of lewdness, assignation or prostitution; or
 - 3. To aid, abet or participate in the doing of any of the acts herein prohibited.
- C. No person shall in any way or manner whatever, keep, harbor or house any prostitute.
- D. No person shall entice or attempt to entice any female into a house of prostitution, or have illicit sexual intercourse with any female under eighteen (18) years of age.
- E. No person shall keep or maintain a house of prostitution or house of assignation.
- F. No person shall lease, let or furnish any building, room, tent or structure of any kind, or any conveyance used or to be used as a place of prostitution or assignation within the Town, or knowingly permit the same to be so used.
- G. No person shall knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any women engaged in prostitution.

- H. No person shall offer, or offer to secure another for the purpose of prostitution, or for any other lewd or indecent act.
- I. No person shall direct, take or transport, or offer or agree to take or transport or aid or assist in transporting, any person to any house, place, building or other structure, vehicle, trailer or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.
- J. It is unlawful for a person to be present in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such a purpose is manifested are: That such person is a known prostitute or procurer; that such person repeatedly beckons to, stops or attempts to stop or engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- K. For the purpose of this section, a “known prostitute or procurer” is a person who, within one year prior to the date of the suspected violation of this section has, within the knowledge of the arresting officer, been convicted of a violation of this section or has been convicted of violating any statute or ordinance of any jurisdiction which makes prostitution nor soliciting for the purpose of prostitution unlawful.

State Law Reference: Definition of prostitution, 21 O.S. Sec. 1030; Soliciting, 21 O.S. 1029; pimping, 21 O.S. 1081.

SECTION 13-514 OFFENSES NEAR SCHOOLS.

No person shall engage in any of the conduct or acts hereinafter set forth around, in or near any school or school grounds or streets and alleys adjacent to any school:

1. Any conduct that would disturb the orderly conduct of the school;
2. Annoying or molesting any student or employee of the school;
3. Lewd or wanton conduct in, near or around any of the schools or school grounds or streets and alleys adjacent to the schools;
4. Moving or parking any vehicle in the vicinity of any school for the purpose of annoying or molesting any student or employee of the school; or

5. Any other act or conduct calculated to or likely to annoy or molest any student or employee of such school.

SECTION 13-515 SLEEPING IN PLACES, PROPERTY.

It is unlawful for any person, without lawful reason, between the hours of 12:00 midnight and sunrise, to sleep on any street, in any other public place, or on any property of another without the expressed or tacit consent of the owner or person in charge of such place.

SECTION 13-516 CONTRIBUTING TO DELINQUENCY OF A MINOR.

- A. "Any person" as used in this section means any human being, without regard to the legal or natural relationship to a minor, as well as legal or corporate entities. "Minor" means any person under the age of eighteen (18) years.
- B. Any person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child, as defined by State Law, shall be guilty of an offense.

State Law Reference: Contributing to delinquency of minors, 21 O.S. 856 et seq.

SECTION 13-517 TOBACCO TO MINORS PROHIBITED.

It is unlawful and on offense for any person to sell, barter, give or otherwise furnish cigarettes, cigars or tobacco in any form to a minor, or to permit such minor to frequent any premises owned, held or managed by him for the purpose of using or procuring cigarettes, cigars or tobacco in any form.

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 13-601	Escaping custody.
Section 13-602	Conveying instruments to assist escape.
Section 13-603	Assisting prisoner to escape.
Section 13-604	Delivery of articles to person in confinement.
Section 13-605	Assaulting town officer.
Section 13-606	Resisting a police officer.
Section 13-607	Citizens' duty to assist.
Section 13-608	Obedience to orders of police and firefighter.
Section 13-609	Flight from a police officer.
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Section 13-611	Impersonating a police officer or any town officer.
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Section 13-618	Tampering with signs, equipment.
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SECTION 13-601 ESCAPING CUSTODY.

No person lawfully in custody or confined in the Town Jail, before or after conviction for any violation of the Ordinances of the Town, or held in custody going to the Town Jail, or working upon the streets or other public grounds of the Town or in custody of any officer of the Town, shall break or attempt to break such Town Jail or custody, and escape or attempt to escape therefrom.

SECTION 13-602 CONVEYING INSTRUMENTS TO ASSIST ESCAPE.

No person shall convey into the Town Jail any disguised instrument or anything proper or useful to facilitate the escape of any prisoner lawfully committed to or detained in the Town Jail for any violation of the Town Ordinances, for any criminal offense, or lawfully detained or imprisoned therein, whether such escape is effected or attempted or not.

SECTION 13-603 ASSISTING PRISONER TO ESCAPE.

No person shall in any way aid, remove or assist any person to resist or escape from custody of any police officer or from any lawful confinement in the Town.

State Law Reference: Assisting prisoner to escape, 21 O.S. Secs. 437, 441.

SECTION 13-604 DELIVERY OF ARTICLES TO PERSON IN CONFINEMENT.

No person shall deliver any article or thing to any person under arrest without the consent of the officer having charge and custody of the prisoner.

SECTION 13-605 ASSAULTING TOWN OFFICER.

No person shall knowingly commit any assault, battery or assault and batter any Town Official or police officer or firefighter while in the performance of their duties.

State Law Reference: Assaulting law officer, 21 O.S. Secs. 649, 650.

SECTION 13-606 RESISTING A POLICE OFFICER.

- A. It is unlawful to resist, oppose or assault, prevent, fail to cooperate with or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the 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 13-607 CITIZENS’ DUTY TO ASSIST.

It is duty of all persons in the Town when called upon by any police officer to promptly aid and assist him in the execution of his duties.

SECTION 13-608 OBEDIENCE TO ORDERS OF POLICE AND FIREFIGHTER.

No person shall fail to heed a reasonable order of a police officer or firefighter while such officer is in the discharge of an official duty in maintaining the public safety or welfare.

SECTION 13-609 FLIGHT FROM A POLICE OFFICER.

- A. Flight from an officer shall be unlawful and an offense.
- B. A person commits the offense of flight from a Municipal Police Officer, if:
 - 1. Said person is the operator of a vehicle and refuses to stop said vehicle as soon as is safely possible, when signaled to do so by a law enforcement officer; or
 - 2. Upon stopping said vehicle at the signal of a law enforcement officer, abandons said vehicle and leaves, or attempts to leave, the immediate area without the permission of the law enforcement officer; or
 - 3. Said person is a passenger in a vehicle and abandons the vehicle after a law enforcement officer has signaled the vehicle to stop; or
 - 4. After the vehicle has stopped, leaves the immediate area without the permission of the law enforcement officer; or
 - 5. Said person is a pedestrian and leaves, or attempts to leave, the immediate area after being directed by a law enforcement officer to stop or to remain in said area for a reasonable length of time.

SECTION 13-610 USE OF SIREN OR WHISTLE.

- A. No person shall use any police whistle or any other instrument used by police officer to give signals to each other, or imitate any signal given by one police officer to another or any special signal used by police officers, for the purpose of improperly or causelessly attracting the attention of the police.
- B. No person, except members of police department, fire department or ambulance services, shall ring, use or otherwise sound any gong, siren, whistle or any other device for making similar noise.

SECTION 13-611 IMPERSONATING A POLICE OFFICER OR ANY TOWN OFFICER.

- A. No person, other than police officers of the Town, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the police officers of the Town.
- B. No person shall do or attempt any act to impersonate a police officer.

- C. It is unlawful to falsely impersonate any officer or employee of the Town, or falsely represent himself to be an officer or employee of the Town, by any kind of representation, pretense, insignia, sound, clothing or conduct, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the Town without being authorized to do so.

State Law Reference: Impersonating public officers, 21 O.S. Secs. 263, 264, 1533.

SECTION 13-612 FALSE STATEMENTS, REPORTS OR COMPLAINTS.

- A. No person shall knowingly make or file or cause to be made or filed a false or misleading report or misrepresentation, allegation or complaint with the police department or any officer or employee of the Town, or on any official application or to commit perjury before any tribunal of the Town.
- B. No person shall willfully and without probably cause make a false report to any person of any crime, violation of the Town's Ordinances, or circumstances indicating the possibility of crime or violation having been committed, including but not limited to the unlawful taking of personal property, which report causes or encourages the exercise of police or other official action or investigation.

SECTION 13-613 FALSE ALARMS.

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

SECTION 13-614 INTERFERENCE WITH FIRE ALARM SYSTEMS.

No person shall cut or sever, or cause to be cut or severed, or interfere with in any manner, any wire of any fire alarm system in the Town of Kiefer, Oklahoma; or remove or change the same; or cut, injure, change, alter or remove any pole, cross-arm, bracket or other support upon which said wires rest or in which said wires are enclosed; or disconnect said wires or any of them from the gongs, alarm boxes or instruments connected with said fire alarm system; or cause, in any manner, the working of the same to become obstructed or interfered with without being first duly authorized so to do by the Chief of the Fire Department; nor shall any person deface or in any manner injure any of the fire alarm boxes or any instruments or appliances connected with or belonging to said fire alarm system; or tamper with said fire alarm or obstruct in any manner whatever, the boxes, keys or glass upon any of said boxes; or make or cause to be made, without authority from the Chief of the Fire Department, keys to any alarm box or boxes; or to use, or cause to be used, any such key so made; nor shall any person place or fasten over or upon any fire alarm box a handbill, notice or sign of any kind, except the signs

places upon the same at the direction of the Chief of the Fire Department and pertaining to the firebox; or cause to be hitched any horse or animal to any pole on which is situated a fire alarm box.

SECTION 13-615 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 13-616 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or willfully to:

1. Resist, oppose or obstruct the Chief of Police, any other police officer, the municipal judge, or any other officer or employee of the Town in the discharge of his official duties;
2. Obstruct, threaten or otherwise intimidate or attempt to intimidate any officer or employee from the discharge of his official duties; or
3. Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

SECTION 13-617 DUTIES OF THE PUBLIC AT FIRES, EMERGENCIES.

- A. All persons at fires or other emergencies or accidents shall conduct themselves in an orderly and lawful manner and to assist in maintaining law and order.
- B. No person at or near any fire or emergency shall conduct himself in a disorderly manner or neglect or refuse to promptly obey any order of the Fire Chief or his assistants relative to such fire; and no person shall resist, obstruct, hinder or abuse any officer of the fire department or any firefighter in the proper discharge of his duty.
- C. Every police officer present at a fire shall keep back all persons who are in the way or impeding the work of the fire department and so far as possible protect all property from loss or injury, and cooperate with and assist the fire department in every way possible while at the fire. The Fire Chief or any Assistant Fire Chief or any police officer shall have the power to designate persons to guard any goods.
- D. No person shall follow or block the way of any emergency vehicle engaged in emergency run, or knowingly interfere with officers at the location of any fire or emergency.

State Law Reference: Interfering with firefighters 21 O.S. Sec. 127.

SECTION 13-618 TAMPERING WITH SIGNS.

It is unlawful for any person to tamper with any signs, signal equipment or other device placed, operated and maintained by the Town in connection with the administration of its Code provisions, Ordinances, regulations, services, functions or performance of duties thereto.

SECTION 13-619 SOCIAL HOST ORDINANCE

- H. No person shall knowingly and willingly permit any individual under the age of 21 years who is an invitee to that person's residence, office, building, structure or property, owned, leased or under the control of said person to possess or consume any alcoholic beverage, beer or wine as defined by the Statutes of the State of Oklahoma, or to possess or consume any dangerous substance as defined under the Oklahoma Controlled Dangerous Substances Act in such place.
- I. Any violation of this Ordinance shall be punishable as assessed by the Kiefer Municipal Court by a fine not to exceed the sum of \$500.00 plus costs and assessments and any other punishment so imposed.

Cross Reference: See also tampering with public utilities, Section 13-315.

PART 14

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1

ZONING

Section 14-101	Municipality's Power to Zone.
Section 14-102	Relationship of Zoning Ordinances to Comprehensive Code.
Section 14-103	Board of Adjustment Created.
Section 14-104	Zoning Board of Adjustment.
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SUBDIVISION OF LAND

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STRUCTURE NUMBERING SYSTEM

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CHAPTER 6

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CHAPTER 1

ZONING

Section 14-101	Municipality's Power to Zone.
Section 14-102	Relationship of Zoning Ordinances to Comprehensive Code.
Section 14-103	Board of Adjustment Created.
Section 14-104	Zoning Board of Adjustment.
Section 14-105	Kiefer Comprehensive Zoning Code.

SECTION 14-101 MUNICIPALITY'S POWER TO ZONE.

1. For the purpose of promoting the health, safety and welfare of all citizens of the Community, the Town Board of Trustees is empowered to regulate and restrict the height, number of stories and size of structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the location and use of structures and use of land.
2. For any of the above purposes, the Town Board of Trustees may adopt an Ordinance dividing the Municipality into Zoning Districts of such number, shape, and area as may be deemed beneficial to the Community. Within such Zoning Districts the erection, construction, reconstruction, alteration, repair or use of structures or land may be regulated. All such regulations shall be uniform though out each District, but the regulations in any Zoning District may differ from those in other Districts.

SECTION 14-102 RELATIONSHIP OF ZONING ORDINANCES TO THE COMPREHENSIVE CODE.

1. Any Zoning Ordinance adopted by the Town Board of Trustees shall be made in such a manner and under such circumstances so as not to conflict with those Zoning Ordinances already in effect in the Zoning District in question. The Zoning Plan as adopted being determined to be the established public policy of the Town of Kiefer for the Zoning District in question.
2. Zoning Districts created for the protection of historic resources shall likewise be made in conformity with the needs and requirements of the Kiefer Comprehensive Zoning Plan.

SECTION 14-103 BOARD OF ADJUSTMENT CREATED.

In conformity with State Law the Kiefer Board of Adjustment is hereby created.

SECTION 14-104 ZONING BOARD OF ADJUSTMENT.

1. A Zoning Board of Adjustment is hereby created for the Town of Kiefer, Oklahoma. Said Board shall consist of three (3) members appointed by the Town Board of Trustees. The term of the members thereof and the filling of vacancies therein shall be as set by the Town Board of Trustees. The Zoning Board of Adjustment shall adopt rules in accordance with the provisions of this Section or any amendment thereto. Meetings of the Zoning Board of Adjustment shall be held at the call of the Chairman and at such times as such Board may determine. All meetings of the Board shall be open to the public. The Zoning Board of Adjustment shall keep minutes of its proceedings, show the vote of each member upon each question, or, if absent, or failing to vote, indicate such fact, and shall keep a record of its examinations and other official actions. All of such shall be immediately filed at the office of the Town Clerk and become public record.
2. The Zoning Board of Adjustment shall have the following powers:
 - a. To hear and decide Appeals when it is alleged there is error in any order, requirement, decision or determination made by the Town Clerk, Town Administrator, Building Inspector, or other administrative official;
 - b. To hear and decide Special Exceptions to the terms of the Zoning or other Ordinances upon which the Zoning Board of Adjustment is required to pass, and;
 - c. To authorize upon appeal in specific cases, variances from the terms of such Ordinances as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, so that the spirit of the Ordinance will be observed and substantial justice done.
3. The Zoning Board of Adjustment shall also serve as the Appeals Board to hear and render judgment on requests for variances from the requirements of Flood Plain Management Regulations. The Appeals Board shall hear and render judgment on appeal only when it is alleged there is error in any requirement, decision or determination made by the Municipal Building Inspector or Municipal Flood Plain Administrator in the enforcement or administration of the Town's Flood Plain Management Regulations. Any person or party aggrieved by the decision of the Appeals Board may appeal such decision in any court of competent jurisdiction. The Municipal Building Inspector or Municipal Flood Plain Administrator shall maintain a record of all actions involving an appeal and shall report variances issued for the reconstruction or restoration of structures listed on the National Register of Historic Places, or locally registered as a Historic Landmark, without regard to the procedures set forth in the remainder of this Section. Variances may be issued for new

construction and substantial improvements to be erected on a lot of one half (1/2) acre or less in lot size, contiguous to, and surrounded by, lots with existing structures constructed below the base flood level; provided that all relevant factors have been fully considered. As the lot size increases beyond one half (1/2) acre, the technical justification required for issuing the variance shall increase. Upon consideration of all factors noted above, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of the Town's Flood Plain Management program. Variances shall not be issued within any designated floodway if any increase in Flood levels during the base flood discharge would result. Prerequisites for granting variances shall include:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b. Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of such variance will not result in increased flood heights, or additional threats to public safety, extraordinary public expense, nuisance, fraud, or victimization of the public, or conflict with existing laws or Ordinances.
- c. Any applicant for whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest flood elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.
- d. Variances may be issued by the Town of Kiefer, Oklahoma for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided that (1) the criteria outlined in this Code of Ordinances are met, and (2) the structure or during a base flood and create no additional threats to public safety.

E. SECTION 14-105 KIEFER COMPREHENSIVE ZONING CODE.

A Comprehensive Zoning Code of the Town of Kiefer is in existence as adopted by the Town of Kiefer following proper and legally required notices and public hearings as required pursuant to the Statutes of the State of Oklahoma, originally adopted by said Township on July 10, 1999 and effective on August 30, 1999. Said Comprehensive Zoning Code may be amended from time to time as required for the uses and the purposes of the Town of Kiefer. Said Comprehensive Zoning Code is found as shown in the Kiefer Comprehensive Zoning Code, and

codified as The Kiefer Zoning Code, Section 100, et al and located as the last Part of this Code of Ordinances.

CHAPTER 2

SUBDIVISION OF LAND

Section 14-201	Subdivision Review Process.
Section 14-202	Kiefer Subdivision Regulations.
Section 14-203	Lot-split Procedures and Standards.
Section 14-204	Engineering Standards; Design and Construction.

SECTION 14-201 SUBDIVISION REVIEW PROCESS.

1. All subdivision plats, or re-plats of land laid out in plats or lots, and the streets, alleys or other portions of the same intended to be dedicated to public or private use, located within the jurisdictional area of either the Municipal or Regional Planning Commission, shall first be submitted to said Planning Commission for its review.
2. If the subdivision plat or re-plat is located within the corporate limits of the Town of Kiefer, Oklahoma, final approval, prior to the filing of said plat or re-plat with the Creek County Clerk, shall be obtained from the Town Board of Trustees of Kiefer, Oklahoma.
3. If the subdivision plat or re-plat is located within the jurisdictional area of the Regional Planning Commission, but outside of the corporate boundaries of the Town of Kiefer, Oklahoma, approval of the Regional Planning Commission shall be obtained prior to the filing of said plat or re-plat with the Creek County Clerk.
4. In reviewing subdivision plats or re-plats, the Planning Commission and the Town Board of Trustees shall utilize the definitions, procedures and design and improvement standards in the "Subdivision Regulations" adopted by and for the Town of Kiefer, Oklahoma, or the appropriate jurisdictional area and entity.

SECTION 14-202 KIEFER SUBDIVISION REGULATIONS.

There is hereby adopted for the purpose of establishing rules and regulations for the regulation of subdivisions, the rules and regulations described as the Kiefer Subdivision Regulations adopted the 26th day of March, 2002, effective the 26th day of March, 2002, and as amended from time to time, of which no less than one copy has been and now is filed in the office of the Town Clerk. The same subdivision regulations, as amended from time to time, are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section shall take effect, the provisions of the rules and regulations shall be controlling within the corporate limits of the Town, with any violations punishable as provided in Section 14-401 of this Code.

The Kiefer Subdivision Regulations provide for the orderly, regulated subdivision of land in the Town of Kiefer for the protection and promotion of the public health, safety and welfare.

SECTION 14-203 LOT-SPLIT PROCEDURES AND STANDARDS.

C. AUTHORITY

The Planning and Zoning Commission, pursuant to the powers and jurisdiction vested through Title 19, Oklahoma Statutes, Section 863.10, does hereby exercise the power and authority to review, approve and disapprove transfers of land hereinafter referred to as lot-splits.

D. INTENT AND PURPOSE

The regulations contained in this Section are intended to establish reasonable standards of design and procedures for lot-splits, as defined in Section 7, Definitions, of these Subdivision Regulations, in order to accomplish the policy and purposes set forth in Section 1.4, as they are applicable to lot-splits.

E. PROCEDURE

The following procedures shall be followed in processing lot-splits:

1. Application Form and Drawing. A complete lot-split application shall be filed with the Planning and Zoning Commission Staff and the appropriate fee paid. The application is considered complete and may be accepted for processing by the Planning and Zoning Commission Staff when it meets the following requirements.
 - a. The name(s), address(es), phone number(s) of the current owner or owners of record of the land to be subdivided.
 - b. The consent of all owners of the subject property to the splitting of the property. Use form attached to the application.
 - c. A complete legal description of the existing undivided lot of record and a legal description of each of the proposed lots shall accompany the application. Legal descriptions shall consist of Lot, Block, Subdivision Name, County, and State OR a metes and bounds description of the perimeter of the property with all bearings expressed in degrees, minutes, and seconds and dimensions accurate to two decimal places OR a description based on sectionalized land. It shall identify a point of beginning tied to a known corner of a section or fraction of a section.
 - d. One copy of a scaled drawing depicting all existing and proposed lot lines with dimensions (and bearings if applicable), all existing buildings and improvements and their distances from lot lines adjacent streets and street widths, existing access limitations, and a north arrow scale.

- e. The drawing should be limited to a maximum of 11" x 17".
2. Planning and Zoning Commission Staff Review. In its review of lot-splits, the Planning and Zoning Commission Staff shall:
 - a. Distribute copies of the application form and drawing to appropriate officials, agencies, or departments;
 - b. Field check the subject property, if needed;
 - c. Review the application for conformance with the Comprehensive Plan, zoning, PUD conditions, Board of Adjustment actions, and the Subdivision Regulations; and,
 - d. Prepare recommendations including comments of officials, agencies or departments contacted.
 3. Lot-splits Requiring Planning and Zoning Commission Staff Review Only. Where review by the Planning and Zoning Commission Staff reveals that a split meets all approved guidelines herein set forth, and all proposed lots are adequately served by utilities either by easement or in public streets, the Director of the Planning and Zoning Commission or his appointed agent shall approve the lot-split and the Planning and Zoning Commission shall ratify the approval of the next Planning and Zoning Commission Land Division meeting.
 4. Lot-Splits Requiring Full Review. For those lot splits that involve acquiring easements or in the staff's opinion, require review by additional companies or agencies, but do not involve a waiver of zoning or subdivision regulations, the following procedures will be followed:
 - a. A copy of the application and drawing shall be sent to the utility companies and Department of Public Works or the County Engineer, as appropriate.
 - b. After each company of agency to which the application was referred has notified the Planning Commission Staff of its requirements, the staff shall notify the subdivider.
 - c. If the lot-split is on a tract that is utilizing or will utilize a private sewage disposal system, the proposed lots must meet the requirements contained in APPENDIX A of the regulations.
 - d. When approvals from all companies or agencies involved are received, the lot-split shall be approved by the Director of the Planning and Zoning Commission or his appointed agent and the Planning Commission shall ratify the approval at the next Planning Commission meeting.

5. Lot-Splits Requiring Modifications. For those lot-splits that involve a modification of a subdivision regulations, Planning Commission Staff shall determine if the Technical Advisory Committee (TAC) should review the item. If so, the procedure shall be as follows:
 - a. A cutoff date shall be established by the Planning and Zoning Commission in accordance with the annual schedule of TAC and Planning and Zoning meeting dates.
 - b. If the proposed lots would utilize individual on-site sewage disposal systems and contain less lot area than required in APPENDIX A, a written waiver of the lot size requirement and a statement of approval of the proposed individual sewage treatment systems must be obtained from the agency that has jurisdiction over the sewer system and the Oklahoma Department of Environmental Quality by the subdivider and presented to the Planning and Zoning Commission Staff with the application. The minimum lot size requirements in APPENDIX A may not be waived by the Planning and Zoning Commission.
 - c. A copy of the lot-split shall be sent to the utility companies and the Department of Public Works or the City Inspector as appropriate. The Planning and Zoning Commission Staff shall indicate on the application the date of the Technical Advisory Committee meeting at which the application shall be reviewed and that it is a request for modification of the Subdivision Regulations.
 - d. The Planning and Zoning Commission Staff shall present the application at the regular Technical Advisory Committee meeting where the lot-split may be reviewed by the total membership of that Committee, including all utility companies, the Oklahoma Department of Environmental Quality, the Department of Public Works and the City Inspector.
 - e. The recommendation of the Technical Advisory Committee shall be compiled with the Planning and Zoning Commission Staff recommendation and the application shall be heard at the next Planning and Zoning Commission meeting.
 - f. The Planning and Zoning Commission shall hold a hearing on the lot-split. Notice of such hearing shall be given to the abutting property owners (including lot owners separated only by a residential street) by the mailing of a written notice ten (10) days prior to the hearing by the mailing of a written notice ten (10) days prior to the hearing before the Planning and Zoning Commission of the application for lot-split approval. The Planning and Zoning Commission shall review the requested lot split and either approve or disapprove the requested modification(s).

- g. Reasonable conditions may be imposed by the Planning and Zoning Commission in the granting of a modification.
- h. If the application is disapproved, the applicant may appeal the decision of the Planning and Zoning Commission to the Board of Adjustments.

F. CERTIFICATE OF APPROVAL

Approval shall be shown by the certification on the instrument of transfer as required by State Statute. The certification shall be signed by one of the following:

1. Chairman or other Officer of the Planning and Zoning Commission.
2. Chairman of the Board of Board of Adjustments.

G. APPROVAL GUIDELINES

Approval or disapproval of lot-splits shall be based upon the requirements of the applicable paragraphs in Section 4 of these regulations.

1. Access and Streets

- a. Where a tract to be split is controlled by non-access provisions, no lot shall be approved where such provision will preclude access for said lot.
- b. The splitting of land shall provide each lot with frontage on a public street or highway in an amount required by the applicable Zoning District, so that the convenience of the lot owner or user is assured, as well as the layout of utilities, garbage and waste removal, fire protection and public health and safety thereby adequate provided for.
- c. Where land to be split contains, within its boundaries, areas designated for street right-of-way on the Creek County Major Street and Highway Plan, the split shall not be approved where street rights-of-way fail to conform to said plan except, upon a finding that:
 - 1) All utilities are in place and the additional right-of-way is not required for utility placement;
 - 2) The public has, by virtue of statutory easement or suitable roadway dedication, right-of-way sufficient to allow the placement of pavement of a width necessary to meet the standard of the Street Plan for the particular street involved; and
 - 3) Development made possible by the split itself will not measurably increase the burden of traffic on an adjacent street to such an extent

that it would adversely affect the health, safety and welfare of the public; or upon a finding that:

- 4) Existing structures lie in the right-of-way proposed by the Street Plan.

2. Sewage Disposal and Water Supply

- a. Where a tract to be split abuts a public sanitary sewer, no split shall create a lot, which is cut off from that sewer unless the approval of the Department of Public Works or other appropriate agencies are obtained.
- b. The requirements for sewage disposal and water supply on lot splits shall be the same as the regulations for subdivision, with the exception that on lots within the corporate limits of the Town of Kiefer that are not currently served by sanitary sewer, an easement may be required to be dedicated to provide for the future extension of the sewer.

The subdivider must obtain approval of the location and size of any easements from the Department of Public Works and submit evidence of such dedication before the lot-split.

- c. Within the unincorporated area of Creek County and within the corporate limits of the Town of Kiefer not served by sanitary sewer within 250 feet of the nearest property line, the regulations for subdivisions shall apply for lots that plan to utilize septic tank disposal systems.

SECTION 14-204 ENGINEERING STANDARDS; DESIGN AND CONSTRUCTION.

- A. There is here by adopted for the purpose of establishing Engineering Standards and Regulations concerning the design and construction of streets, water facilities, sanitary sewer facilities, and stormwater drainage facilities, the rules and regulations described as the Engineering Design Criteria adopted the 9th day of April, 2002, effective the 9th Day of April, 2002, and as amended from time to time, of which no less than one copy has been and now is filed in the office of the Town Clerk. The same regulations, as amended from time to time are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section shall take effect, the provisions of the rules and regulations shall be controlling within the corporate limits of the town, with any violations punishable as provided in Section 14-401.
- B. The Engineering Design Criteria provide engineering standards and regulations concerning the design and construction of streets, water facilities, sanitary sewer facilities, and stormwater drainage facilities in the Town of Kiefer for the protection and promotion of the public health, safety and welfare.

CHAPTER 3

STRUCTURE NUMBERING SYSTEM

Section 14-301	Purpose.
Section 14-302	Numbering System.
Section 14-303	All Houses to be visibly numbered.
Section 14-304	Penalty.

SECTION 14-301 PURPOSE.

The purpose of this ordinance is to require that all buildings, structures and houses in the Town of Kiefer, Oklahoma, shall be numbered. The Mayor shall be responsible for designating the proper numbers for houses and buildings.

SECTION 14-302 NUMBERING SYSTEM.

1. The north and south base line shall be 151st Street (State Highway 67); all buildings east of the base line shall be known and numbered as east, and all buildings west of the base line shall be known and numbered as west.
2. The east and west line shall be "A" Street (State Highway 75A); all buildings north of this base line shall be known and numbered as north, and all buildings south of this base line shall be known and numbered as south.
3. There shall be one hundred (100) numbers applicable to each block, beginning with "one hundred and one" (101) on the odd side and "one hundred and two" (102) on the even side of the street.
4. Each twenty-five (25) feet of frontage on each block shall be entitled to a separate number.
5. The 1st block from the base line in either direction shall be given numbers from (1) to ninety-nine (99), and the 2nd block shall be given numbers from one hundred and one (101) to one hundred and ninety-nine (199), and so on in consecutive order by one hundred's (100's) to each block in succession.
6. The even numbers shall be on the east side of the streets extending north and south, and on the south side of the streets extending east and west; the odd numbers shall be on the opposite sides of such streets.
7. The affix "one-half" (1/2) shall be added to the last number in designating stairway or garage apartments.

8. It shall be the duty of the owner of any house, building or structure in the Town of Kiefer, Oklahoma, to have such house, building or structure numbered in accordance with this Section.
9. In situations where the plat or pattern of the area does not fit this numbering system, the Planning Commission shall study the area and recommend to the Town Board of Trustees, for adoption by Ordinance, an appropriate amendment to this Section.

SECTION 14-303 ALL HOUSES TO BE VISBLY NUMBERED.

The owner of a property inside the city limits of Kiefer, Oklahoma shall display house numbers (depicting actual property street address) in a visible manner on the outside of the property; thus enabling emergency vehicles to easily locate said property. Numbers should be a minimum of 2 (two) inches in height and displayed on the front of the premise in a clearly visible manner.

SECTION 14-304 PENALTY.

Any person, firm or corporation who violates any provision of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided for in Section 1-108 of this Code.

CHAPTER 4

MISCELLANEOUS PROVISIONS

Section 14-401 Flood-Prone Areas.

SECTION 14-401 FLOOD-PRONE AREAS.

(See Part 2, Part 5 and Part 8 this Code of Ordinances.)

CHAPTER 5

PENALTY

Section 14-501 Penalty.

SECTION 14-501 PENALTY.

Any person, firm or corporation who violates any provision of this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this Code.

SECTION 14-601 KIIEFER SPECIFIC USE PERMITS

- A. Purposes
- B. Conditions for Approval
- C. Specific Use List
- D. Use Conditions
- E. Administration

SECTION 14-.602 PURPOSES

The BOARD OF TRUSTEES may, after a public hearing and recommendation by the Planning Commission and after conducting a public hearing as is required in accordance with the provisions of this section, authorize for specific parcels of land, the issuance of a Specific Use Permit.

The uses listed in the Specific Use list are so clarified because of the size of the land they require or the specialized nature of the use, or they may more intensely dominate the area in which they are located or their effects on the general public are broader in scope than other types of uses permitted in the district.

The designation of a Specific Use Permit as possible on the Specific Use List does not constitute an authorization or an assurance that such use will be permitted. Rather, each Specific Use Permit application shall be valued as to its probable effect on the adjacent property and community welfare and may be approved or denied as the findings indicate appropriate.

SECTION 14-603. CONDITIONS FOR APPROVAL

1. Plans and Data to be Submitted

Prior to submission of a request for a Specific Use Permit, the Town may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the Board of Trustees relative to any application for a Specific Use Permit, the Planning Commission will establish the requirements necessary for consideration of the application. The Commission shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the Planning Commission as necessary during the application process. The TOWN may require that the applicant furnish preliminary site plans and data concerning the operation, location, function and characteristics of any use of land or building proposed. For uses in which the land use has possible environmental impact, the Commission may require those engineering and/or environmental impact studies necessary for evaluation of the proposed use.

2. Planning Commission/Town Requirements

The Planning Commission may recommend to the Board of Trustees that certain safeguards and conditions concerning bonding, insurance, setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation be required. If the Planning Commission fails to review and make a recommendation within 45 days from the date the application is accepted for processing, the BOARD OF TRUSTEES can take action on the application.

3. Board of Trustees Requirements

The Board of Trustees may, in the interest of the public welfare and to assure compliance with the intent of this ordinance and the Comprehensive Plan, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. This may include the requirement of having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. The Board of Trustees may impose conditions including, but not limited to, bonding, insurance, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

4. Site Plans

A site Plan (plot plan) setting forth the conditions specified may be required of the applicant and such plan when accepted shall be made a part of the permit issued for the specific use.

5. Designation of Zoning Map

A Specific Use Permit approved under the provisions of this ordinance shall not be considered as an amendment to the zoning ordinance; however, the Specific Use Permit shall be noted on the zoning map as follows: SUP - (the number of the request for a Specific Use Permit). Any of the conditions contained in a Specific Use Permit approval shall be considered as conditions precedent to the granting of a building permit for the specific use provided for.

6. Time Limits for Implementation

If for any reason the approved specific use ceases operation for a period of two years, then the approval of said specific use shall be considered void and will require another public hearing review by the Planning Commission and Board of Trustees. This shall also apply to any approved specific use that does not begin operation within two years of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses existing before the adoption of the Specific Use Permit ordinance, including non-conforming uses and their incidental and accessory uses, must receive a Specific Use Permit before any expansion of the use is permitted.

SECTION 14-604 SPECIFIC USE LIST

The following uses are allowed in all zoning districts other than Residential by Specific Use permit as granted by the Board of Trustees:

Adult Entertainment Establishments	Airport - Heliport
Bus Station	Cemetery
Convict Pre-Release Center	Crematory
Governmental Services	Juvenile Delinquency Center
Detention Center Juvenile-Adult	Electric Generation Plant &/or Sub-Station
Mausoleum	Post Office

Rifle and Skeet Range	Gun Club
Sanitary Landfill	Sewer Disposal Facility
Halfway House	Commercial Theme Parks
Refuse Transfer Station	Recycling Center
Golf Course	Golf Driving Range
Kennel	Mini-Storage
Fire Protection Facility	Fire Station
Churches	College or University Hospital
Library	Nursing Homes
Convalescent Homes	Public Schools
Trade Schools	Museum
Bed and Breakfast	Inn
Cultural or Heritage Centers	Public or Private Attractions
Transmitting Tower (excluding amateur radio tower)	
Water Treatment Facility and/or Water Storage Facility	
Private Schools with comprehensive education curriculum	
Offices use when located on a 40-acre or larger tract	
Industrial Uses requiring a minimum acreage requirement of 40 acres	
Mining and Mineral Processing	
Commercial Resort Facilities (Minimum acreage requirement of 40 acres)	
Apartments Units of 9 units or more	
Commercial Marijuana Growth Facilities	
Wholesale Marijuana Facilities	
Marijuana Storage Facilities	
Marijuana Dispensary	

SECTION 14-605 USE CONDITIONS

Compliance with District and Use Unit Requirements

Specific uses permitted shall comply with the most restrictive yard and height requirements of the district in which located and in addition shall comply with the requirements, especially for parking and loading, as required per the related use unit in the Salina Zoning Code or as may be modified by Board of Trustees.

SECTION 14-606. ADMINISTRATION

1. Filing of a Petition for Specific Use Permit

A petition for a Specific Use Permit may be filed with the Town Clerk by the owner(s) of the property concerned, by the duly authorized representative thereof, by the holder of an option to purchase the affected real estate or by the purchaser in a contract to purchase realty. Such petition shall be on a standard form furnished by the Planning Department of the Town. All petitions for a Specific Use Permit shall be accompanied by a site plan of the proposed area showing the location of buildings, parking, and other pertinent data concerning the operation of the proposed use.

2. Fee for Petition

A Two-hundred dollars (\$100.00) fee shall be required with the Specific Use Permit application, and such other fees as the BOARD OF TRUSTEES may from time to time specify by resolution for inspections.

3. Notice of Hearing

Notice of the public hearing to consider a Specific Use Permit shall be mailed at least twenty (20) days before the public hearing held by the Board of Trustees by mailing written notice by the secretary of the Planning Commission to all owners of property within a three hundred (300') radius of the exterior boundary of the subject property, or such additional notice deemed necessary.

The notice shall contain:

- a. The date, time and place of the public hearing.
- b. The present zoning classification of the property and the nature of the Specific Use Permit.
- c. The legal description of the property and street address or approximate location in the municipality.

4. Appeals and Confirmation by Board of Trustees:

An applicant, or any adversely affected person, may appeal a recommendation of denial by the Board of Trustees for re-hearing, within 10 days of the decision, by (a) completing a Notice of Appeal form that shall be available from the Town Clerk; and (b) paying an appeal fee in the amount of \$100.00, or such fee as set by council resolution or motion.

If an appeal is not timely filed, the recommendation of the Board shall be included on a consent agenda for consideration, and may be removed from the agenda by the Board.

If an appeal is timely filed, the BOARD OF TRUSTEES shall establish a date specific for its decision and may affirm, reverse or remand the original decision for reconsideration.

5. Reapplication or Reconsideration of Mining and Quarrying, Mineral Products Processing

The Town is not required to reconsider requests denied by the municipality related to mining and quarrying, or mineral products processing for the same site unless the municipality determines there has been a material change in the application. A mining application for any portion of a site previously denied by the BOARD OF TRUSTEES will be reviewed by the TOWN first to determine if there has been a material change in the application. A material change is a substantial change in the application as compared with prior applications such that it warrants consideration as a new application. The TOWN will establish the requirements necessary for consideration of the application. The TOWN shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the TOWN as necessary during the application process. The TOWN will notify the applicant of the decision. The determination of the TOWN may be appealed to the BOARD OF TRUSTEES within fifteen (15) days of the rendering of the decision.

6. Certain restrictions apply to marijuana growing and sales.

- a. All state restrictions and regulations as they apply to marijuana growing, marketing and sales shall apply to such activities within the Town.
- b. No marijuana growing, storage, marketing or sales shall be allowed in any residential neighborhood.
- c. No marijuana facility shall be allowed within 1000 feet of any school.
- d. Due to water restrictions that the Town of Kiefer may be under from our water supplier, applicant's water usage must be identifiable prior to approval due to the fact that Kiefer does not control the availability of water to the town.

PART 15
PUBLIC SAFETY

CHAPTER 1

FIRE CODE AND PREVENTION

Section 15-101	Adoption of Fire Prevention Code.
Section 15-102	Modifications.
Section 15-103	New materials, processes, or occupancies, which may require permits.
Section 15-104	Appeals.
Section 15-105	Penalties.

CHAPTER 2

FIRE SERVICES

ARTICLE A

FIRE DEPARTMENT

Section 15-201	Fire Department.
Section 15-202	Volunteer Fire Department.
Section 15-203	Fire Chief.
Section 15-204	Assistant Chief; Other Officers.
Section 15-205	Company officers.
Section 15-206	Secretary-Treasurer.
Section 15-207	Membership, new members.
Section 15-208	Bylaws.
Section 15-209	Rules and regulations.
Section 15-210	Social officers.
Section 15-211	Use of fire equipment.
Section 15-212	Authority of firefighters at fires.
Section 15-213	Right of entry.

ARTICLE B

CALLS OUTSIDE LIMITS

Section 15-221	Power to contract.
Section 15-222	Contracts for service.
Section 15-223	Authority to answer calls.
Section 15-224	Charges for calls made outside Town.
Section 15-225	Firefighters serving in regular line of duty.

Section 15-226 Department considered agent of State.
Section 15-227 Authority to form fire protection district.
Section 15-228 Right-of-way.
15-229 Rural Fire Service established.

CHAPTER 3

POLICE SERVICES

Section 15-301 Police Department; Chief; personal property; mutual aid.
Section 15-302 Reserve Police Organization.
Section 15-303 Duties.
Section 15-304 Officers.

CHAPTER 4

CIVIL DEFENSE

Section 15-401 Purpose of Chapter.
Section 15-402 Department.
Section 15-403 Responsibilities and duties of director, deputies.
Section 15-404 Emergency powers of Civil Defense Organization.

CHAPTER 5

UNCLAIMED PROPERTY

Section 15-501 Delivery required; records.
Section 15-502 Disposition of personal property, general procedures.
Section 15-503 Seized property related to gambling, report and disposition.
Section 15-504 Seized property related to alcoholic beverages, disposition.
Section 15-505 Property of deceased persons.
Section 15-506 Exchange of unclaimed or confiscated weapons.
Section 15-507 Recovery by owner.

CHAPTER 6

MISCELLANEOUS PROVISIONS

Section 15-601 Sale, possession or discharge of fireworks.
Section 15-602 Explosives.
Section 15-603 Inter-Governmental Cooperation authorized.
Section 15-604 Fire extinguishers in businesses.

CHAPTER 7

PENALTY

CHAPTER 1

FIRE CODE AND PREVENTION

- Section 15-101 Adoption of Fire Prevention Code.
- Section 15-102 Modifications.
- Section 15-103 New materials, processes, or occupancies, which may require permits.
- Section 15-104 Appeals.
- Section 15-105 Penalties.

SECTION 15-101 ADOPTION OF FIRE PREVENTION CODE.

The Fire Prevention Code adopted by the Town Board of Trustees shall be enforced by the Kiefer, Oklahoma Volunteer Fire Department, under the supervision of the Fire Chief; members of said Department may be detailed as inspectors by the Fire Chief, if it is deemed necessary.

SECTION 15-102 MODIFICATIONS.

The Chief of the Kiefer, Oklahoma Volunteer Fire Department, with the approval of the Town Board of Trustees, shall have the power to grant a Variance to any of the provisions of the Fire Prevention Code, upon application in writing by the owner or lessee (or a duly authorized agent), when there are practical difficulties in carrying out the strict letter of said Code; provided, that, the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Chief thereon, shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

SECTION 15-103 NEW MATERIALS, PROCESSES, OR OCCUPANCIES, WHICH MAY REQUIRE PERMITS.

The Town Board of Trustees may act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in said Code. The Fire Chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 15-104 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 15-105 PENALTIES.

- A. Any person, firm or corporation who violates any of the provisions of the codes hereby adopted or fails to comply therewith, or who violates or fails to comply with any other made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Town Board of Trustees or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in Section 1-108 of this Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 2

FIRE SERVICES

ARTICLE A

FIRE DEPARTMENT

Section 15-201	Fire department.
Section 15-202	Volunteer Fire Department.
Section 15-203	Fire Chief.
Section 15-204	Assistant Chief; Other Officers.
Section 15-205	Company officers.
Section 15-206	Secretary-Treasurer.
Section 15-207	Membership, new members.
Section 15-208	Bylaws.
Section 15-209	Rules and regulations.
Section 15-210	Social officers.
Section 15-211	Use of fire equipment.
Section 15-212	Authority of firefighters at fires.
Section 15-213	Right of entry.

ARTICLE B

CALLS OUTSIDE LIMITS

Section 15-221	Power to contract.
Section 15-222	Contracts for service.
Section 15-223	Authority to answer calls.
Section 15-224	Charges for calls made outside Town.
Section 15-225	Firefighters serving in regular line of duty.
Section 15-226	Department considered agent of state.
Section 15-227	Authority to form fire protection district.
Section 15-228	Right-of-way.
Section 15-229	Rural Fire Service established.

ARTICLE A

FIRE DEPARTMENT

SECTION 15-201 FIRE DEPARTMENT.

- A. There is a fire department of the Town, the head of which is the Chief of the Fire Department.

- B. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention and safety of persons from fire in public and private buildings.

SECTION 15-202 VOLUNTEER FIRE DEPARTMENT.

- A. There is hereby established for the Town of Kiefer, Oklahoma, a Volunteer Fire Department under the provisions of the Oklahoma Volunteer Firemen's Act.
- B. The Kiefer, Oklahoma Volunteer Fire Department shall consist of not less than six (6) and not more than twenty (20) members. The Department shall not employ more than two (2) full-time, salaried firemen. Members of the Kiefer, Oklahoma, Fire Department may continue as members of the Volunteer Fire Department established under this Code of Ordinances without probation, but shall be subject to the by-laws authorized under this Code of Ordinances.
- C. All new members shall be on probation for one (1) year after their appointment to the Department and shall not become regular members of the Department upon completion of their probation period, until approval by a majority of the regular members of the Kiefer, Oklahoma, Volunteer Fire Department, subject to the ratification of the Kiefer, Oklahoma, Town Board of Trustees.
- D. The Kiefer, Oklahoma, Volunteer Fire Department shall adopt by-laws (a copy of which shall be deposited with the Town Clerk-Treasurer), which shall include the following:
 - 1. All volunteer fire fighters are required, when notified, to respond to alarms of fire and other emergencies;
 - 2. All volunteer fire fighters are required to be present at all regular meetings, call meetings and schools presented for the benefit of the fire fighters;
 - 3. There shall be at least one (1) regular business meeting each month;
 - 4. Any volunteer fire fighter having two (2) unexcused absences in a period of three (3) months, will be dropped from the Department rolls;
 - 5. Volunteer fire fighters leaving Town for an extended period of time shall notify the Fire Chief in advance;
 - 6. Any volunteer fire fighter refusing to attend training classes will be dropped; and

7. Any volunteer of the Fire Department shall be dropped from the rolls by the Town Board of Trustees, upon the recommendation of the Fire Chief, for any of the following offenses:
 - i. conduct unbecoming a fire fighter,
 - ii. insubordination,
 - iii. neglect of duty,
 - iv. violation of rules and regulations governing the Department, or
 - v. conviction of a felony
- E. Copies of this Code of Ordinances and any amendments relating to the Volunteer Fire Department of the Town of Kiefer, Oklahoma, shall be submitted to the State Insurance Commissioner.

SECTION 15-203 FIRE CHIEF.

- A. There is hereby created the Office of Chief of the Fire Department, who shall be appointed by the Town Board of Trustees, or until all services are terminated by death, resignation, removal by said Town Board or other legal manner. (See Fire Prevention, this Part of Code of Ordinances.)
- B. The Chief shall have the following powers and duties:
 1. The Fire Chief shall have supervision and control of the Fire Department, subject to the State Law, the provisions of this Part, other Ordinances of the Municipality and the Town Board of Trustees; the Fire Chief shall diligently perform the duties imposed by Law and Ordinance;
 2. The Fire Chief shall be held responsible for the general condition and efficient operation of the Fire Department and the training of members and may assign duties to other members of said Department;
 3. The Fire Chief shall inspect, or cause to be inspected by members of the Department, the fire hydrants and water supply sources of the Town at least once each year;
 4. The Fire Chief should maintain a library or file of publications on fire prevention and fire protection;
 5. The Fire Chief shall attend all fires and direct and have complete charge of the officers and members of the Fire Department in the performance of their duties;

6. The Fire Chief shall ensure that the Town Board of Trustees and the Municipality's citizens are kept informed on fire hazards in the community and on the activities of the Fire Department;
7. The Fire Chief shall see that each fire is carefully investigated to determine its cause and, in the case of suspicion of incendiarism, shall notify proper authorities and secure and preserve all possible evidence for future use in the case;
8. The Fire Chief shall see that complete records are kept of all fires, inspections, apparatus, equipment, personnel and other information about the work of the Fire Department; and
9. The Fire Chief shall file the appropriate fire loss reporting forms with the Office of the State Fire Marshal, as required by current State Law.

SECTION 15-204 ASSISTANT CHIEF; OTHER OFFICERS.

- A. The Assistant Chief of the Fire Department shall be appointed by the Town Board of Trustees. In the absence of the Fire Chief, the Assistant Chief shall command the Fire Department and be held responsible therefor in all respects, with the full powers and responsibilities of the Fire Chief. (See Fire Prevention, this Part of Code of Ordinances.)
- B. The officers of the Fire Department shall be selected upon their ability to lead men and their knowledge of fire-fighting and fire-fighting equipment.
- C. One (1) member elected by the members of the Fire Department shall be Secretary-Treasurer; duties shall consist of calling the roll at each meeting, keeping the minutes of each meeting and collecting any money due said Department by the members.

SECTION 15-205 COMPANY OFFICERS.

Company officers shall be selected by the Chief based on the following criteria:

1. Knowledge of firefighting;
2. Leadership ability; and
3. Knowledge of firefighting equipment.

SECTION 15-206 SECRETARY-TREASURER.

One member elected by the members of the fire department, subject to approval of the Chief, shall be a secretary-treasurer. His duties shall consist of the following:

1. Calling the roll at the opening of each meeting;

2. Keeping the minutes of each meeting; and
3. Collecting any money due the department by the members.

SECTION 15-207 MEMBERSHIP, NEW MEMBERS.

- A. Membership of the department shall consist of such persons as may be appointed by the Chief and approved by the Board. Determination of whether candidates for appointment are capable of performing their duties shall be made by the Chief after a medical and physical examination has been made in a manner prescribed by the Chief and approved by the Town Board.
- B. New members of the department shall be appointed by the Chief and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the fire department, the Chief and the Town Board.

SECTION 15-208 BYLAWS.

The bylaws of the department shall include the following:

1. All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies;
2. A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters;
3. At least one regular business meeting of the members shall be held each month;
4. Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;
5. Any member leaving the Town for an extended period of time is required to notify the Chief;
6. Any member refusing to attend training classes provided for members of the department will be dropped;
7. Any member of the fire department may be dropped from the rolls for the following offenses:
 - a. Conduct unbecoming a firefighter;
 - b. Any act of insubordination;

- c. Neglect of duty;
 - d. Any violation of rules and regulations governing the fire department;
 - e. Conviction of a felony; or
 - f. By a majority vote of the members of the company and approval of the Chief;
8. Members with less than ten (10) years' service are required to attend school and achieve certification as soon as practically possible. Members with ten (10) or more years' service have three (3) years in which to be certified by training.

SECTION 15-209 RULES AND REGULATIONS.

The Town Board of Trustees, by motion or resolution, may adopt and change regulations relating to the fire department, its organization, operation and compensation.

SECTION 15-210 SOCIAL OFFICERS.

The department may elect a president, vice-president, secretary or treasurer to be known as "social officers". Such officers may be elected in any manner and for any term the members may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the members. The functions and duties of the social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department.

SECTION 15-211 USE OF FIRE EQUIPMENT.

- A. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.
- B. Recommendations of apparatus and equipment needed shall be made by the Chief, purchased after approval as other Town purchases.
- C. All equipment of the department shall be safely and conveniently housed in such places as may be designated by the Town Board.
- D. Suitable arrangements and equipment shall be provided for people to turn in alarms and to notify members of the department so that they may promptly respond.
- E. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the

department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

SECTION 15-212 AUTHORITY OF FIREFIGHTERS AT FIRES.

The Fire Chief, Assistant Fire Chiefs or other fire department officers in charge shall have complete charge and control at all fires. Fire orders shall be obeyed. The Chief or his officers may prescribe limits in the vicinity of a fire which no persons except those residing or owning property therein shall be permitted to enter except on the order of the officer in command. Police officers may aid in carrying into effect the provisions of this section.

SECTION 15-213 RIGHT OF ENTRY.

The Chief of the Fire Department and his designee may at all reasonable hours enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter and other provisions of this Code, he may deem necessary to make.

ARTICLE B

CALLS OUTSIDE LIMITS

SECTION 15-221 POWER TO CONTRACT.

The Town of Kiefer, Oklahoma, is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political sub-divisions of the State of Oklahoma for fire protection outside the corporate limits of said Town, and to contract to provide fire protection jointly with other organizations and municipal sub-divisions of the State.

State Law Reference: Fire services outside Town, Town powers, 11 O.S. Secs. 29-105 et seq.

SECTION 15-222 CONTRACTS FOR SERVICE.

Any contract entered into by the Town of Kiefer, Oklahoma, with an individual owner, firm, private corporation or private or non-profit association, for outside aid or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, private or non-profit association or political sub-divisions to the Town of Kiefer, Oklahoma, for such fire apparatus and personnel. All monies received from said calls shall go into the Fund designated by motion of the Town Board of Trustees.

SECTION 15-223 AUTHORITY TO ANSWER CALLS.

The Fire Department of the Town of Kiefer, Oklahoma, is authorized and directed to answer all outside calls within a distance of five (5) miles from the nearest fire station, unless, in the opinion of the Fire Chief, it is inexpedient to do so on account of another fire in the Town,

broken apparatus, impassable or dangerous highways or other physical conditions. All other responses shall be at the direction of the Fire Chief, Assistant Chief or Mayor.

SECTION 15-224 CHARGES FOR CALLS MADE OUTSIDE TOWN.

The Town may enter into a contract with persons, organizations or associations to provide fire protection service outside the Town limits. Such contracts shall be conditioned upon the determination of the Fire Chief that the property in question is within a reasonable distance from the Town and that prior to any fire protection equipment being dispatched for any fire call for such property, the Fire Chief on duty shall first approve such call and determine that the equipment and personnel to be dispatched are not needed for other purposes within the Town. The charges for such calls shall be as specified in the fee schedule.

1. The Town Board of Trustees shall charge the following fees to persons or property owners involved, for fire calls outside the corporate boundaries of the Town of Kiefer, Oklahoma.
 - a. Fire calls made outside the corporate limits of the Town of Kiefer, Oklahoma, shall cost a minimum of Two Hundred Fifty Dollars (\$250.00) per hour, per unit; or as may otherwise set by the Board of Trustees by resolution on an annual basis.
 - b. Oil lease fires, including tank battery, wells and pipelines and grass fires shall cost a minimum of Two Hundred Fifty Dollars (\$250.00) for the first hour, with an additional charge of Two Hundred Fifty Dollars (\$250.00) for each additional hour or portion thereof, or as may be otherwise set by the Board of Trustees by resolution on an annual basis.
2. The Town of Kiefer, Oklahoma, shall also have the capacity to prepare supplemental billing costs for use of special equipment or materials.

SECTION 15-225 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All firefighters of the Fire Department of the Town of Kiefer, Oklahoma, attending and serving at fires, or doing fire prevention work outside the corporate limits of said Town, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the Town of Kiefer, Oklahoma, said firefighters shall be entitled to all the benefits of any Firefighter's Pension and Relief Fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the Town of Kiefer, Oklahoma.

SECTION 15-226 DEPARTMENT CONSIDERED AGENT OF STATE.

The Fire Department of the Town of Kiefer, Oklahoma, answering any fire alarm or call, or performing any fire prevention services outside the corporate limits of said Town, shall be considered as an agent of the State of Oklahoma, and acting solely and alone in a governmental capacity, and said Municipality shall not be liable in damages for any act of commission,

omission or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this Chapter.

SECTION 15-227 AUTHORITY TO FORM FIRE PROTECTION DISTRICT.

The Town fire department is authorized in conformity with State Law to form a fire protection district for an annual fee as approved by the Town Board of Trustees.

SECTION 15-228 RIGHT-OF-WAY.

All motorized equipment of the Fire Department of the Town of Kiefer, Oklahoma, shall have the right-of-way over all other commercial and pleasure vehicles.

SECTION 15-229 RURAL FIRE SERVICE ESTABLISHED.

1. There is hereby established the “Kiefer Rural Fire Service,” to be operated by the Kiefer, Oklahoma, Volunteer Fire Department and be under the direction of the Town Board of Trustees of the Town of Kiefer, Oklahoma.
2. The “Kiefer Rural Fire Service” shall be operated primarily for the purpose of providing fire protection to rural residents living outside of the corporate limits of the Town of Kiefer, Oklahoma, but within the boundaries of the Kiefer, Oklahoma, Fire District.
3. This service shall be provided upon the annual payment of membership fees by each home or property owner or resident, as set below. Payment of the annual membership fee will take care of all fire calls for the paying members, regardless of the number of calls, or as may be otherwise set by the Board of Trustees by resolution on an annual basis.
 - a. Residential \$75.00
 - b. Commercial \$150.00
 - c. Industrial \$200.00
4. The costs of fire calls to rural residents who are not paying members of the “Rural Fire Service” shall be the same as the costs established in Section 15-224 of this Chapter.
5. Annual payment of the membership fees shall be due on or before March 31st of each year.
6. Payment of claims and other financial transactions involving the use of funds derived from the “Rural Fire Service” shall be made and processed in accordance with the requirements of Oklahoma Statutes, Municipal Ordinances and accepted Municipal procedures.

7. In the performance of fire prevention or protection services outside the corporate limits of the Town of Kiefer, Oklahoma, the Kiefer, Oklahoma, Volunteer Fire Department shall not assume responsibility for damages to structures incurred prior to the arrival of the said Department, nor shall the said Department assume responsibility for damages to structures incurred as a result of late notification of the members of the said Department, or for any other situation which occurs during the course of fighting any fire.
8. Unpaid fees, charges or annual membership may be subject to collection by the Town of Kiefer, Oklahoma, in any manner normally employed by said Municipality, including the use of Small Claims Court.

CHAPTER 3

POLICE SERVICES

Section 15-301	Police Department; Chief; personal property; mutual aid.
Section 15-302	Reserve Police Organization.
Section 15-303	Duties.
Section 15-304	Officers.

SECTION 15-301 POLICE DEPARTMENT; CHIEF; PERSONAL PROPERTY; MUTUAL AID.

- A. There is hereby created a Police Department for Kiefer, Oklahoma, the head of which shall be the Chief of Police. The Chief of Police shall be hired at will by the Town Board of Trustees, until such services are terminated by death, resignation, removal by the Town Board of Trustees or other legal manner. Law enforcement assistance may also be provided, as a Municipal service, on a contractual basis.
- B. One (1) or more Police Officers may be appointed by the Chief of Police, subject to confirmation by the Town Board of Trustees; said Police Officers may be removed by the Town Board of Trustees, for cause, at a Regular Meeting, by a majority vote of all of said Town Board members.
- C. The Chief of Police and all Police Officers shall possess the powers, and be subject to the liabilities possessed and conferred by Law upon Sheriffs, in executing the orders of the Town Board of Trustees, or enforcing the Code of Ordinances of the Town of Kiefer, Oklahoma. All policemen shall be considered officers of the Town.
- D. It shall be the duty of the Chief of Police and/or all Police Officers to bring to justice all violators of Municipal Ordinances and Federal and State Laws, and to turn such violators over to the proper authorities. The Chief of Police shall serve all warrants, writs, executions and other process, properly directed and delivered.
- E. The Chief of Police and each Police Officer shall be paid such compensation as the Town Board of Trustees may prescribe by motion or Resolution. The Chief and all officers are At Will Employees and are subject to removal by majority vote of the Board of Trustees.
- F. All personal property coming into the possession of any Police Officer, which has been found, stolen or taken off the person, or out of the possession of, any prisoner or person suspected of, or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be delivered into the charge of the Chief of Police, who shall make a permanent, written record of said property, including the date and circumstances of the receipt thereof, the name of the person from whom it was taken (or the place where it was found) , the subsequent disposal

thereof, the date of sale, name and address of the purchaser, and the amount for which it was sold.

- G. Any personal property (other than animals) which remains unclaimed and in the possession of the Chief of Police, or the ownership of which is not satisfactorily established for a period of thirty (30) days, shall be sold and the proceeds of the sale paid over to the Town Clerk-Treasurer, who shall issue a receipt therefor and deposit the same to the credit of the General Fund of the Municipality, except for such personal property as in the opinion of the Mayor can be more advantageously used by some Department or Office of the Municipal Government. Ten (10) days before a sale of such unclaimed property, the Chief of Police shall have posted in a conspicuous place in the Town Hall, notice of the time, place and manner of such sale, including the general description of the property to be sold. If, in the opinion of the Mayor, all or any of the personal property may be more advantageously used in any Municipal Department or Office, the Mayor shall so instruct the Chief of Police in writing and said Police Chief shall thereupon deliver the designated property to the Department or Office of Municipal Government and make a permanent record of its disposition.
- H. Any personal property found by a person other than a public official or employee, which is delivered to any Police Officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to said finder, and a record of such disposal made thereof. If the finder does not request return of the property within such additional ten (10) days, then the Chief of Police shall sell the property as if it had been found by a public official or employee, or, on the instruction of the Mayor, deliver it to some Municipal Department for its use.
- I. If any property is sold as herein provided, and the owner thereof takes and recovers possession of the same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the Town Board of Trustees.
- J. The personal property of a deceased person shall be delivered only to the next of kin of such person or to the legally-appointed representative of the estate. If the personal property is claimed by the legally-appointed representative of the estate of the deceased, a certified copy of the order of the County Court appointing such person shall be deemed sufficient authority to support the claim. If the personal property is claimed by the next of kin, the claimant shall furnish an affidavit supporting entitlement to possession of said property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of ninety (90) days, it shall be disposed of in the appropriate manner provided in this Section.
- K. The Chief of Police, or a designated representative, is authorized to direct that any regularly-employed Police Officers of the Town of Kiefer, Oklahoma, may provide law enforcement assistance to another Municipality, County Government or the

Oklahoma Highway Patrol in an emergency; provided, that, a written request from an official representative of the other Municipality has been received and approved by the Town of Kiefer, Oklahoma.

- L. The Mayor or Police Chief of the Town of Kiefer, Oklahoma, is also authorized to request law enforcement assistance from other Municipalities, in emergency situations. In such cases, the assisting Police Officers of the other Municipalities shall have all of the same powers and duties as fully as if employed by the Town of Kiefer, Oklahoma; however, salaries, insurance and other benefits shall not be paid by the Town of Kiefer, Oklahoma.
- M. In all events, the Police Officers of the Town of Kiefer, Oklahoma, shall return to their regular duties when directed to do so by the Kiefer Police Chief, or the Police Chief (or authorized representative) of the requesting Municipality, whichever direction occurs first.
- N. When the Kiefer Police Chief shall direct, the assisting Police Officers of the other Municipalities shall return to their own regularly scheduled duties in their own Municipalities, and those assisting Police Officers shall cease to have the powers and duties of Police Officers regularly employed by the Town of Kiefer, Oklahoma.
- O. The Chief of Police and each Police Officer shall perform all other duties prescribed by Law or Ordinance.

SECTION 15-302 RESERVE POLICE ORGANIZATION.

- A. There is hereby created for the Town of Kiefer, Oklahoma, a Reserve Police Organization.
- B. The Chief of Police may appoint a regular full-time Police Officer or other persons to be the Officer-in-Charge of the Reserve Officers. This appointment may be changed or terminated at the discretion of the Chief of Police. The Officer-in-Charge of the Police Reserves may, appoint and/or remove assistants within the Reserves to assist in the operation of the Police Reserves. The Officer-in-Charge or an assistant will handle all work schedules, training classes or other special assignments of Reserve Officers. Probationary Reserve Officers, defined as lacking their certification and still within the probationary period of one (1) year, shall have limited duties and powers. They shall not be allowed to function as single officers, but must always be in the presence or control of a full-time officer.
- C. Reserve Officers, defined as having their certification and not within a probationary period, shall be recognized as having the same police powers as a full-time officer. At the discretion of the Chief of Police, they may be allowed to function as single officers in enforcing the Laws and Code of Ordinances of the Town of Kiefer, Oklahoma.

- D. A Reserve Police Officer shall serve on a part-time basis and shall perform all duties only while on authorized duty, and for not more than twenty-five (25) hours per calendar week.
- E. Such Reserve Officers must meet the minimum requirements of Section 3311 of Title 70 of the Oklahoma Statutes.
- F. Reserve Police Officers are authorized to join the Oklahoma Reserve Law Officers Association and establish a local Chapter of this Organization.
- G. Any applicant for the position of Reserve Police Officer must be of reasonable health and character, must live in an area approved by the Chief of Police, for a period of time likewise so approved. Reserve Police Officers shall be appointed by the Chief of Police, with confirmation required from the Town Board of Trustees. After such approval, all new members shall be on probation for a period of one (1) year.
- H. Kiefer Reserve Police Officers are required to attend and participate in such police training as may be required by the Kiefer Chief of Police.\
- I. Any member of the Police Reserves will be dropped from the rolls for any of the following:
 - 1. Conduct unbecoming a Police Officer;
 - 2. Any act of insubordination;
 - 3. Neglect of Duty;
 - 4. Any violation of the Rules and Regulations of the Municipal Police Department;
or
 - 5. Conviction of a felony.
- J. The Reserve Organization can be dissolved only by authority of the Town Board of Trustees, acting by Ordinance.

SECTION 15-303 DUTIES.

It is the duty of the Police Department to apprehend and arrest on view or on warrant and bring to justice violators of the Ordinances of the Town; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating Federal or State Laws as provided by Law, and to turn

them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers.

SECTION 15-304 OFFICERS.

Police officers shall be appointed by the Police Chief subject to approval of the Board of Trustees of the Town. Police officers shall perform such duties as shall be required of them by the Police Chief, the Town Ordinances, Federal, State or County Laws or Regulations, and other actions required in the maintenance of good order and public peace.

CHAPTER 4

CIVIL DEFENSE

Section 15-401	Purpose of Chapter.
Section 15-402	Department.
Section 15-403	Responsibilities and duties of director, deputies.
Section 15-404	Emergency powers of Civil Defense Organization.

SECTION 15-401 PURPOSE OF CHAPTER.

The purpose of this Chapter is to create an Emergency Management and Civil Defense Organization for the Town to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of the Town. The duty of such Civil Defense Organization shall be the protection of the lives and health of the citizens of the Town and the property and property rights, both private and public, and to perform all functions necessary and incident thereto.

SECTION 15-402 DEPARTMENT.

The purpose of the Civil Defense Department (hereinafter “Department”) is to prepare for, and function in the event of, emergencies endangering the lives and property of the citizens of the Town. The Department is headed by a director, appointed by the Town Board of Trustees for such compensation and under such terms as the Town Board of Trustees may establish. The director serves at the pleasure of the Town Board of Trustees.

SECTION 15-403 RESPONSIBILITIES AND DUTIES OF DIRECTOR, DEPUTIES.

- A. The director of the department shall be the administrative head of the department and shall be responsible for carrying out the Emergency Management and Civil Defense Program of the Town in coordination with the Civil Defense Advisory Committee. He shall have such further duties and responsibilities to cooperate with all emergency services and civil defense agencies of other governmental units including the State and the Federal Government.

- B. The Town Board of Trustees or the director, when empowered by the Town Board of Trustees, may designate some person as deputy director or assistant director and shall prescribe the duties of the deputy or assistant from time to time as necessary for the carrying out of the Emergency Management and Civil Defense Program of the Town. The deputy director shall perform all duties of the director upon the death, disability or illness, or separation from service of the director. In addition to the foregoing duties, the deputy or assistant shall render such aid and assistance and perform such duties under the Emergency Management and Civil Defense Program of the Town as may be required by the director.

SECTION 15-404 EMERGENCY POWERS OF CIVIL DEFENSE ORGANIZATION.

- A. In the event of an enemy-caused emergency or emergency resulting from natural causes, the director, after due authorization from the Mayor, shall have the power and authority to enforce all rules and regulations relating to Emergency Management and civil defense and, if necessary, to take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with other governmental agencies, Emergency Management services and Civil Defense Organizations.

- B. The director, other members of the department and members of any emergency services and the Civil Defense Organization established herein 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.

CHAPTER 5

UNCLAIMED PROPERTY

Section 15-501	Delivery required; records.
Section 15-502	Disposition of personal property, general procedures.
Section 15-503	Seized property related to gambling, report and disposition.
Section 15-504	Seized property related to alcoholic beverages, disposition.
Section 15-505	Property of deceased persons.
Section 15-506	Exchange of unclaimed or confiscated weapons.
Section 15-507	Recovery by owner.

SECTION 15-501 DELIVERY REQUIRED; RECORDS.

- A. All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the Police Chief. The Police Chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof and the name of the person from whom it was taken and the place where it was found. The record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.
- B. For the purpose of this chapter, "Police Chief" means the Police Chief or his designee.

State Law Reference: Disposition of personal property by Police Chief, procedures, application to destroy, 11 O.S. Sec. 35-104; Uniform Unclaimed Property Disposition Act, 60 O.S. Sec. 655; relating to finders of lost goods, 15 O.S. Secs. 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. Secs. 1321 et seq.; disposal of liquor and gambling equipment seized by police officers, 22 O.S. Secs. 1261 et seq.; alcoholic beverages seized in violation of law, 37 O.S. Sec. 539.

SECTION 15-502 DISPOSITION OF PERSONAL PROPERTY, GENERAL PROCEDURES.

- A. The Police Chief is authorized to sell personal property, other than animals, money or legal tender of the United States, except as provided in Subsection B of this section, which has come into his possession in any manner if:
1. The owner of the personal property is unknown or has not claimed the property;
 2. The property has been in the custody of the Police Chief for at least six (6) months; or

3. The property or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation.

Any owner, to recover or claim property, must be able to satisfactorily prove ownership to the Police Chief.

- B. Any property found by a person other than public official which shall be delivered to any police officer for “identification” and registration, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. However, in all other cases, only property in which the finder relinquished any future claim to its ownership will be stored in the Town police property room.
- C. The Police Chief shall file an application in the district court of the county requesting the authority of the court to conduct a sale of such personal property or money or legal tender which has a fair market value of more than its face value. The Police Chief shall attach to his application a list describing such property or money or legal tender including any identifying numbers and marks, the date the property or money or legal tender came into his possession, and the name of the owner and his address, if known. The court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing of the application.
- D. In any instance where the property has an actual or apparent value of more than Twenty-five Dollars (\$25.00), at least ten (10) days prior to the date of the hearing, notice of the hearing shall be sent by certified mail to each owner at his address as listed in the application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars (\$500.00) is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the Town. The notice shall contain a brief description of the property or money or legal tender of the owner and the place and date of the hearing. The notice shall be posted at the assigned place for the posting of Town notices, and at two (2) other public places in the Town.
- E. If no owner appears and establishes ownership to the property or money or legal tender at the hearing, the court shall enter an order authorizing the Police Chief to sell the personal property or money or legal tender for cash to the highest bidder at an auction sale, after at least five (5) days notice of the sale has been published. The Police Chief shall thereafter make a return of the sale, and the order of the court confirming the sale shall vest title to the property or money or legal tender in the purchaser. The money received from the sale of the personal property or money or legal tender shall be deposited in the Town’s general fund after first paying court costs and other expenses.
- F. All money or legal tender of the United States, except as provided in Subsection B of this section, which has come into the possession of the Police Chief pursuant to the

circumstances provided for in Subsection A of this section, shall be transferred by the Police Chief to the Town Treasurer for deposit in the general fund. Prior to any such transfer, the Police Chief shall file an application in the district court requesting the court to enter an order authorizing him to transfer the money for deposit in the general fund. The application shall describe the money or legal tender, any serial numbers, the date the same came into his possession, and the name of the owner and his address, if known. Upon filing the application which may be joined with an application as described in Subsection B of this section, a hearing shall be set not less than ten (10) days nor more than twenty (20) days from the filing of the application. Notice of the hearing shall be given as provided for in Subsection C of this section. The notice shall state that upon failure of anyone to appear to prove ownership to the money or legal tender, the court shall order the same to be deposited in the general fund. The notice may be combined with a notice to sell personal property as provided for in Subsection B of this section. If no one appears to claim and prove ownership to the money or legal tender at the hearing, the court shall order the same to be transferred to the general fund as provided in this subsection.

- G. The provisions of this section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character, which the possession of is prohibited by law, nor to any property for which a specific procedure is otherwise established by law, ordinance or proper order. By order of the trial court, any such property filed as an exhibit or held by the municipality shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in such order.
- H. Property authorized to be destroyed herein or by state or other law, or which cannot be sold or used by the Town, shall be destroyed on order of the Police Chief. The destruction of personal property, must be witnessed by at least three (3) members of the police department who must sign a certificate of destruction listing all property destroyed, a general description of same, the date, time, place and manner of such destruction.

State Law Reference: Similar provisions 11 O.S. Sec 34-104.

SECTION 15-503 SEIZED PROPERTY RELATED TO GAMBLING, REPORT AND DISPOSITION.

- A. If any personal property used for the purpose of violating any of the gambling laws of this state, shall be seized by any officer or person with or without a search warrant, such officer or person is hereby required within five (5) days of the seizure to make a written report under oath and file the same with the County Clerk, which report shall in detail state the name of the officer or person making the seizure, the place where seized and an inventory of the property or articles so taken into possession. Within five (5) days after seizing such property, the officer shall deliver the property to the sheriff of the county and take the sheriff's receipt therefor, in duplicate, and the sheriff shall retain the same and all thereof until the same shall be destroyed pursuant to the orders of the court.

- B. In computing the time, five (5) days, Sundays and holidays shall be excluded and not counted.
- C. A duplicate copy of the receipt shall be filed with the County Clerk, who shall keep a record of same. However, the sheriff and his deputies shall be required to make the affidavit and issue the receipt and otherwise comply with the provisions of this section. The sheriff shall be liable on his bond for the safe keeping of all such property so turned over to him under the provisions of this section.

State Law Reference: Similar Provision, 22 O.S. Sec. 1261.

SECTION 15-504 SEIZED PROPERTY RELATED TO ALCOHOLIC BEVERAGES, DISPOSITION.

If town police officers seize:

1. Any apparatus, equipment, vehicle or instrumentality used for, or intended for use in manufacturing or transporting any alcoholic beverages in violation of the state alcoholic beverage control laws; or
2. Any alcoholic beverages possessed, sold, transported, manufactured, kept or stored in violation of the state alcoholic beverage control laws, and if the court finds from a preponderance of the evidence that the property seized was lawfully subject to seizure, then the court shall render judgment accordingly and order the property forfeited to the Town in which the seizure of the property took place. Such seized property shall be sold by the Town, after giving ten (10) days' notice by one publication in a legal newspaper of the county at least ten (10) days before such sale. Appeal from such an order may be taken as in civil cases. When such property is sold under the provisions of this section, the proceeds thereof shall be distributed as follows:
 - a. First, to the payment of the costs of the case in which the order of forfeiture was made and the actual expenses of preserving the property; and
 - b. Second, the remainder shall be deposited with the Town.

State Law Reference: Similar provisions, 37 O.S. Sec. 539.

SECTION 15-505 PROPERTY OF DECEASED PERSONS.

The personal property of a deceased person shall be delivered only to the next of kin of such person or to the legally appointed representative of his estate. If the personal property is claimed by the legally appointed representative of the estate of the deceased, a certified copy of the order of the district court appointing such person shall be deemed sufficient authority to support the claim. If the personal property is claimed by the next of kin, the claimant shall

furnish an affidavit to the effect that he is the person entitled to possession of the property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of ninety (90) days, it shall be disposed of in the appropriate manner provided in this chapter.

SECTION 15-506 EXCHANGE OF UNCLAIMED OR CONFISCATED WEAPONS.

- A. Unclaimed or confiscated weapons which have been in the possession of the police department for one hundred twenty (120) days or more may be traded by the Police Chief or his designee, for new weapons for use by the police department. The unclaimed or confiscated weapons may only be traded to such gun dealers who have complied with applicable state and federal regulations concerning firearms and, in the opinion of the Police Chief or his designee, are reputable.
- B. In trading such unclaimed or confiscated weapons, the Police Chief or his designee shall advertise for bids for such trade. Such advertisement for bids shall be done in accordance with prevailing and established bid procedure as formulated by the purchasing entity of the Town.
- C. The value of such unclaimed and confiscated weapons as hereinabove discussed shall in all cases be determined by their fair market value of the new weapons received in such trade.

SECTION 15-507 RECOVERY BY OWNER.

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the Police Chief.

CHAPTER 6

MISCELLANEOUS PROVISIONS

Section 15-601	Sale, possession or discharge of fireworks.
Section 15-602	Explosives.
Section 15-603	Inter-Governmental Cooperation authorized.
Section 15-604	Fire extinguishers in businesses.

SECTION 15-601 SALE, POSSESSION OR DISCHARGE OF FIREWORKS.

- A. For the purpose of this section, “fireworks” shall have the same meaning as in State Law, Section 1621 et seq. of Title 68 of the Oklahoma Statutes.
- B. It shall be unlawful and offense for any person, firm or corporation to possess, sell or to discharge, ignite, or in any manner aid, assist or abet in the discharging or igniting of any firecrackers of any size, type or description, sky-rockets, pistols, torpedoes, roman candles, flash salutes, flash crackers, balloons or other fireworks or substances designed and intended for pyrotechnic display, or small display ground pieces, canes, cap pistols, cannons or other appliances using caps containing chlorate or potash mixture within the corporate limits of the Town of Kiefer, Oklahoma;
- C. The firing and discharging of such fireworks may, however, be permitted within any Municipal Park when the same is supervised by a Municipal official; provided, further that, the Mayor may order or permit public display of fireworks by properly qualified individuals, under the direction of experts in the handling of such fireworks;
- D. Fireworks stands may sell fireworks inside the city limits with proper application on file at City Hall and a temporary business license fee of Fifty Dollars (\$50.00), unless otherwise set by resolution by the Board of Trustees, by resolution, on an annual basis. The sale of fireworks inside the city limits is prohibited except June 15th through July 5th of each year.
- E. No privately owned fireworks may be discharged within 800 feet of any commercially organized and permitted fireworks displays, beginning at the time when such commercial event is set up and laid out for discharge and ending one hour subsequent to the last commercial discharge. The Kiefer Police Department shall post a sign stating the times when private discharge not permitted and the area affected, which shall remain posted during the time in question. Any violation shall be punished as provided in the general penalty provision of this code of ordinances.
- F. Privately owned fireworks may be discharged within the corporate limits of Kiefer, Oklahoma at any non-prohibited location between the dates of July 1 through July 5 of each year as long as said discharge does not interfere with the peace of the Kiefer community.

SECTION 15-602 EXPLOSIVES.

1. It shall be unlawful for any person or persons to store, keep or have on their premises or in their possession, any explosive materials of any kind or nature without first having complied with the Laws of the State of Oklahoma for the purpose of selling, storing or keeping such articles.
2. It shall be unlawful for any person to keep or store any explosive on any premises which are occupied as a dwelling or school. Any person storing explosives for sale to the general public must comply with the Laws of the State of Oklahoma concerning the sale and storage of said explosives.

SECTION 15-603 INTER-GOVERNMENTAL COOPERATION AUTHORIZED.

- C. Any person or organization conducting a fireworks display open to the public must first contact the city and obtain the proper permit as provided for in Section 15-329.
- D. The Town of Kiefer, Oklahoma, in an effort to improve the quality of fire protection within said Community, and to protect the health, welfare and safety of its citizens, does hereby determine that any or all members of the Fire Department of the Town of Kiefer, Oklahoma, are authorized to assist the Fire Departments of Mounds, Glenpool, Sapulpa or any Creek County Rural Fire Departments in protecting said areas, upon receipt of a valid request for assistance. For purposes of this Section, "request for assistance" shall mean a request for help in an emergency situation, by the Mayor, Police Chief, Fire Chief, Dispatcher or County representative of the above entities. Upon receipt of this request for aid, any member of the Kiefer Fire Department shall respond to said request for assistance.
- E. In an attempt to, increase the effectiveness of fire protection within the corporate limits of the Town of Kiefer, Oklahoma, and to provide for the health, welfare and safety of the citizens of said Community, the Town of Kiefer, Oklahoma, does hereby authorize any or all fire Department personnel of the Towns of Mounds, Glenpool, Sapulpa or of Creek County, to respond to a request for assistance by the Town of Kiefer, Oklahoma, and the Fire Department Officers extending said aid shall have full powers to act within the corporate limits of the Town of Kiefer, Oklahoma, while under a request for assistance.

SECTION 15-604 FIRE EXTINGUISHERS IN BUSINESSES.

Every person, firm or corporation, owning or operating a place of business within the Town of Kiefer, Oklahoma, is hereby required to own, keep and maintain therein, such fire-fighting equipment (i.e., fire extinguishers) as the Fire Department requires. The equipment shall be inspected regularly by the Fire Department.

CHAPTER 7

PENALTY

Section 15-701 Penalty.

SECTION 15-701 PENALTY.

Any person, firm or corporation who violates any provision of this Part, including the provisions of any Code adopted by the Town of Kiefer, Oklahoma, shall be guilty of any offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in this Code of Ordinances. Each day upon which a violation continues shall be deemed penalty a separate offense.

PART 16
STREETS AND SIDEWALKS

CHAPTER 1

GENERAL PROVISIONS

Section 16-101	Obstructions generally.
Section 16-102	Interfering with street, free flow of traffic.
Section 16-103	Trees, shrubbery, grass, weeds and obstructions.
Section 16-104	No structures on or over streets and sidewalks.
Section 16-105	Playing prohibited.
Section 16-106	Unlawful to injure trees, shrubbery.
Section 16-107	Signs obstructing view, in sight triangle, prohibited.
Section 16-108	Duties of owners and occupants of adjacent property relative to sidewalk obstructions, hazards.
Section 16-109	Penalty.

CHAPTER 2

CURB AND STREET CUTS

ARTICLE A

STREET CUTS

Section 16-201	Unlawful to cut without permit.
Section 16-202	Permit.
Section 16-203	Fee.
Section 16-204	Notification of completion of work.
Section 16-205	No delays.

ARTICLE B

CURB CUTS

Section 16-211	Permit for curb cuts.
Section 16-212	Fee.
Section 16-213	Inspection.
Section 16-214	Penalty.

CHAPTER 1

GENERAL PROVISIONS

Section 16-101	Obstructions generally.
Section 16-102	Interfering with street, free flow of traffic.
Section 16-103	Trees, shrubbery, grass, weeds and obstructions.
Section 16-104	No structures on or over streets and sidewalks.
Section 16-105	Playing prohibited.
Section 16-106	Unlawful to injure trees, shrubbery.
Section 16-107	Signs obstructing view, in sight triangle, prohibited.
Section 16-108	Duties of owners and occupants of adjacent property relative to sidewalk obstructions, hazards.
Section 16-109	Penalty.

SECTION 16-101 OBSTRUCTIONS GENERALLY.

It is unlawful for any person to obstruct in any manner any street, alley, or other public way by leaving or permitting to remain thereon or therein any vehicle, object, material, structure, fence or other obstruction of any kind.

1. The purpose of this ordinance is to control the size, number, and placement of signs of a permanent nature, within the Town of Kiefer, Oklahoma.
2. Prior to the construction, placement or erection of any sign intended for a permanent purpose within the Town of Kiefer, a proper application must be made to the Town Council of Kiefer, Oklahoma. Said application must be made in writing to the Board of Trustees of the Town of Kiefer, Oklahoma, setting forth in said application that the applicant intends to construct a sign or place a sign at a certain location within the city limits of Kiefer, Oklahoma, setting forth the size of the sign in question, materials from which said sign will be constructed, the location of the proposed sign, the legal authority (being a Lease or other such legal document), authorizing the use of the location in question, and the purpose for which the sign is intended.
3. The Town Council shall consider the need of the applicant for the sign in question as well as its purpose, the location involved, and its effect on the area in question. The appearance of the sign and effect on the area will be considered.
4. The Board of Trustees of the Town of Kiefer may, restrict the size, design, location, or appearance of the sign in question. The Board of Trustees further may set and determine appropriate permit fees for signs within the community that are applied for after the effective date of this Ordinance. If they determine that such as licensing requirement is in the best interest of the Town of Kiefer then same may be charged on an annual basis.

5. Any sign that is erected subsequent to the passage of this Ordinance without being in compliance herewith, shall be removed immediately by the Town of Kiefer with the costs of said removal assessed against the owner of the sign in question.
6. The penalty for any violation of this Ordinance shall be in conformity with Section 1-108 of the Town Code of the Ordinances of Kiefer, Oklahoma, being the general penalty provision for same.
7. A sign that is intended to be in location for more than two (2) weeks, either individually or through replacement is determined to be of a permanent nature.

SECTION 16-102 INTERFERING WITH STREET, FREE FLOW OF TRAFFIC.

A. It is unlawful to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or
 2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.
- B. When any person causes or commits any of the conditions enumerated in Subsection A herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disburse, or to remove any obstructions. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

SECTION 16-103 TREES, SHRUBBERY, GRASS, WEEDS AND OBSTRUCTIONS.

- A. The owner of any premises abutting on any street shall trim all trees, shrubbery, grass, and weeds growing in the public right-of-way and on any part of the premises adjacent to any street or alley, in such a manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along any streets, sidewalks or alleys. Grass and weeds shall be kept trimmed and not exceed 12” in height at any time. When such premises are occupied by some person other than the owner, such occupant shall trim trees, shrubbery, grass and weeds in the same manner as herein required of the owner.
- B. Any owner or occupant who fails, refuses or neglects to trim trees, shrubbery, weeds and grass as provided in this section, after receiving five (5) days’ notice from the

Town Clerk or his designee to do so, is guilty of an offense against the Town. In addition to any fine or punishment as an offense, the Town may act to abate the nuisance. Every day that the owner or occupant fails, refuses or neglects to trim such trees, shrubbery, weeds or grass after the expiration of the five (5) days' notice shall be a separate offense.

SECTION 16-104 NO STRUCTURES ON OR OVER STREETS AND SIDEWALKS.

- A. It is unlawful for any person to erect or construct, or cause to be erected or constructed any cellar or basement way, stairway, door, awning post, canopy or any other kind of structure projecting into, upon or over, and adjoining any street or sidewalk within the Town, except that the building official may, in his discretion, authorize the same to be done, where the public health, safety and necessity demand, by granting a permit therefor.
- B. Upon the granting of a permit under this section, conditions as to the erection of the structure through, upon or over any street or sidewalk may be fixed by the Town, and a contract shall be entered into as to the maintenance of the structure and as indemnifying agreement secured, indemnifying and saving the Town harmless from any loss, costs or damage by reason of the structure projecting into, upon or over, and adjoining any street or sidewalk within the fire limits of the Town.

SECTION 16-105 PLAYING PROHIBITED.

It is unlawful for any person to engage in any sport, game, amusement or to play in, on or across the main-traveled portion of any sidewalk, street, avenue or alley of the Town except as may be authorized by ordinance.

SECTION 16-106 UNLAWFUL TO INJURE TREES, SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the Town. This section shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

SECTION 16-107 SIGNS OBSTRUCTING VIEW, IN SIGHT TRIANGLE, PROHIBITED.

- A. It is unlawful for any person to otherwise place any object vehicle or structure on or so near to any street right-of-way such that same constitutes a traffic or safety hazard for either pedestrians or vehicular traffic traveling on or onto the street.
- B. It is unlawful and an offense for any person to erect, construct, locate, maintain or allow to remain on his property any sign, fence or structure within an area known as the sight triangle, which is defined as that area formed by measuring from the point of intersection of two (2) lot lines a distance of twenty-five (25) feet along each lot line and connecting the points so established to create a triangle with sides abutting street right-of-way. Any sign, fence or structure placed or located in the area is hereby

determined to be a public nuisance, and the Town is authorized to cause the structure, fence or sign to be removed.

SECTION 16-108 DUTIES OF OWNERS AND OCCUPANTS OF ADJACENT PROPERTY RELATIVE TO SIDEWALK OBSTRUCTIONS, HAZARDS.

- A. It is unlawful for any person to allow any obstruction of any kind to accumulate in the sidewalk in front of his premises. All owners and occupants of property are required to keep their premises. All owners and occupants of property are required to keep their premises and the sidewalks, gutters, streets and alleys adjacent thereto free from weeds, trash and all obstructions and to remove such weeds, trash and obstructions from such places.
- B. It is unlawful to deposit, throw or seep into or upon a street, alley, parking or sidewalk of the Town any trash, weeds, tree trimmings, dirt or any other refuse of any kind.
- C. It is unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk or sidewalk area.

SECTION 16-109 PENALTY.

Any person, firm or corporation who violates any provision of this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this Code. Each day upon which a violation continues shall constitute a separate offense.

CHAPTER 2

CURB AND STREET CUTS

ARTICLE A

STREET CUTS

Section 16-201	Unlawful to cut without permit.
Section 16-202	Permit.
Section 16-203	Fee.
Section 16-204	Notification of completion of work.
Section 16-205	No delays.

ARTICLE B

CURB CUTS

Section 16-211	Permit for curb cuts.
Section 16-212	Fee.
Section 16-213	Inspection.
Section 16-214	Penalty.

ARTICLE A

STREET CUTS

SECTION 16-201 UNLAWFUL TO CUT WITHOUT PERMIT.

It is unlawful for any person to cut the pavement or curb in or on any of the streets, sidewalks, avenues or alleys in the Town for the purpose of laying pipe or other connections for utilities, or to cut or otherwise injure the pavement or curb on any of the streets, sidewalks, avenues or alleys for any purpose whatsoever without a permit therefor as provided by this chapter.

SECTION 16-202 PERMIT.

Every person who desires to lay pipes or lines for the purpose of making and preparing any connections to utilities which will require the cutting of the pavement to make such connections shall make application for and procure from the Town a written permit to cut such pavement or curb and make such installations for the proposed purpose or otherwise. No person shall have any right or authority to construct or install any pipes or lines or otherwise cut the pavement or curbs without first having secured such permit.

Cross Reference: Building Code.

SECTION 16-203 FEE.

Any person desiring to cut the pavement or other hard surface on any street or sidewalk in the Town shall pay a fee for the permit. The fee shall be in such amount as set by the Town Board by motion or resolution.

SECTION 16-204 NOTIFICATION OF COMPLETION OF WORK.

All permittees, when they have completed the work for which such cut has been made, shall notify the Town of the completion of such work in order that the same may be inspected and approved.

SECTION 16-205 NO DELAYS.

Any permittee cutting pavement by virtue of a permit as authorized herein shall perform the excavation or other work without delay or interruption.

ARTICLE B

CURB CUTS

SECTION 16-211 PERMIT FOR CURB CUTS.

- A. It is unlawful for any person to cut, break, tear out or remove the curbing or any part thereof along the street in the Town for any purpose except in accordance with this article. Any person desiring to cut any curbing in the Town shall first obtain a permit from the Town before doing so. Application for such permit shall be in writing to the Town and shall state the time and place that applicant desires to break the curbing. The application shall contain such other information as is required by the Town.
- B. The Town may, in its discretion, refuse to approve any permit to cut any curbing along the streets of the Town when the cutting of the curbing shall constitute a traffic hazard, or interfere in any way with the safety of the public in the use of the street or adjacent sidewalk, or in any way deteriorate or damage the street or interfere with the use thereof by the public. Only such portions of any curbing may be cut or removed as in the opinion of the building officer may be consistent with and not detrimental to the general public welfare.

SECTION 16-212 FEE.

A fee as set by the Town Board of Trustees by motion or resolution shall be paid to the Town prior to obtaining the permit required in this article.

SECTION 16-213 INSPECTION.

The removing of such curbing, the construction of the driveway and all other parts of the work in connection therewith shall be subject to the inspection and approval of the Town.

SECTION 16-214 PENALTY.

Any person, firm or corporation 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 17

TRAFFIC AND VEHICLES

CHAPTER 1

GENERAL PROVISIONS AND ADMINISTRATION

Section 17-101	Definitions.
Section 17-102	Application of regulations.
Section 17-103	Vehicle equipment generally.
Section 17-104	Size, weight of vehicles, vehicles more than ten (10) tons.
Section 17-105	Securing loads.
Section 17-106	Inspections of vehicles by officers.
Section 17-107	Opening and closing vehicle doors.
Section 17-108	Boarding or alighting from vehicles.
Section 17-109	Unlawful riding.
Section 17-110	Authorizing or permitting violations prohibited.
Section 17-111	Application to animal-drawn vehicles.
Section 17-112	Working on streets; exceptions.
Section 17-113	Authorized emergency vehicles.
Section 17-114	Approach of authorized emergency vehicles.
Section 17-115	Following fire apparatus prohibited.
Section 17-116	Crossing fire hose.
Section 17-117	Duty of police.
Section 17-118	Accidents, duty to stop, leaving scene of accident.
Section 17-119	Issuance of citation tags.
Section 17-120	Failure to obey citation.
Section 17-121	Failure to comply with traffic citations attached to parked vehicle.
Section 17-122	Illegal cancellation of traffic citations.
Section 17-123	Disposition and records of traffic citations, warrants, and complaints.
Section 17-124	Court records, abstract to be sent to State Department of Public Safety.
Section 17-125	Adoption of state traffic code.
Section 17-126	Insurance and certificate required.

CHAPTER 2

OPERATION OF VEHICLES GENERALLY, PARKING AND SPEEDING

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GENERAL PROVISIONS

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Section 17-202	Driver's license required.
Section 17-203	Vehicle license required.

Section 17-204	Unlicensed vehicles.
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ARTICLE C

PARKING REGULATIONS

Section 17-230	Obstructing traffic or driveways.
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Section 17-232	Proximity to curb, parallel parking.
Section 17-233	Angle parking, designations.
Section 17-234	Obedience to angle parking rules.
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ARTICLE D

TURNING AND SIGNALS

Section 17-250	Required position, method of turning at intersections.
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CHAPTER 3

TRAFFIC SIGNALS AND DEVICES

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Section 17-303	Interference with devices, or signs or signals.
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Section 17-305	Ratification of existing devices.
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CHAPTER 5

IMPOUNDMENT OF VEHICLES

Section 17-501	Purpose and effect of impoundment provisions.
Section 17-502	Place of impoundment.

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Section 17-512	Vehicles parked in intersection.
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CHAPTER 6

PENALTIES

Section 17-601	General and specific penalties.
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CHAPTER 1

GENERAL PROVISIONS AND ADMINISTRATION

Section 17-101	Definitions.
Section 17-102	Application of regulations.
Section 17-103	Vehicle equipment generally.
Section 17-104	Size, weight of vehicles, vehicles more than ten (10) tons.
Section 17-105	Securing loads.
Section 17-106	Inspections of vehicles by officers.
Section 17-107	Opening and closing vehicle doors.
Section 17-108	Boarding or alighting from vehicles.
Section 17-109	Unlawful riding.
Section 17-110	Authorizing or permitting violations prohibited.
Section 17-111	Application to animal-drawn vehicles.
Section 17-112	Working on streets; exceptions.
Section 17-113	Authorized emergency vehicles.
Section 17-114	Approach of authorized emergency vehicles.
Section 17-115	Following fire apparatus prohibited.
Section 17-116	Crossing fire hose.
Section 17-117	Duty of police.
Section 17-118	Accidents, duty to stop, leaving scene of accident.
Section 17-119	Issuance of citation tags.
Section 17-120	Failure to obey citation.
Section 17-121	Failure to comply with traffic citations attached to parked vehicle.
Section 17-122	Illegal cancellation of traffic citations.
Section 17-123	Disposition and records of traffic citations, warrants, and complaints.
Section 17-124	Court records, abstract to be sent to State Department of Public Safety.
Section 17-125	Adoption of state traffic code.
Section 17-126	Insurance and certificate required.

SECTION 17-101 DEFINITIONS.

For the purposes of this Part the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this Part which are not defined in this section, but are defined in the laws of the state regulating traffic, the definition in the laws of the state shall be deemed to apply to the words and phrases used in this Part:

1. "Alley" means a public passageway or street which affords only secondary means of vehicular access to abutting property, and having no legal or official name other than alley;
2. "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) or three (3) tandem wheels any of which is more than twenty (20) inches in diameter;

3. "Commercial vehicle" means every vehicle designed, maintained, or used primarily for the transportation of property;
4. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;
5. "Driver" means every person who drives or is in actual physical control of a vehicle;
6. "Emergency vehicles" means vehicles of fire departments, police vehicles and ambulances;
7. "Intersection" means the area embraced within the lateral boundary lines of the roadways of two (2) streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;
8. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;
9. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;
10. "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;
11. "Official time standard" means that whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this Town;
12. "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this Code placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;
13. "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
14. "Pedestrian" means any person afoot;
15. "Police officer" means any officer of the Town Police Department or any other officer authorized by law to direct or regulate traffic or to make arrests for violations of traffic regulations;

16. "Private road or roadway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;
17. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;
18. "Railroad train: means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;
19. "Right-of-way" means the privilege of the immediate use of the roadway;
20. "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;
21. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians;
22. "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;
23. "Stop" means, when required, complete cessation from movement. When prohibited, stop or stopping means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;
24. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;
25. "Through street" means every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield right-of-way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this Part;
26. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel;
27. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated by which traffic alternately is directed to stop and permitted to proceed; and

28. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic laws, 47 O.S. Section 1-101 et seq.

SECTION 17-102 APPLICATION OF REGULATIONS.

The provisions of this Part shall apply to every street, highway, alley, roadway, sidewalk, driveway park area, every other public way either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate, including but not limited to:

1. Those dedicated to or acquired by the public for public use;
2. Those upon land owned by the Town;
3. Those upon land owned by any other governmental unit, but the regulation of the use of which has been given to the Town;
4. Those upon private property, the regulation of the use of which has been given to the Town.

SECTION 17-103 VEHICLE EQUIPMENT GENERALLY.

Every vehicle operated upon the streets of the Town shall be equipped as required by law. It is unlawful for any person to:

1. Operate a vehicle upon a street of the Town which is not equipped as required by law;
2. Fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law; or
3. Operate a vehicle which as 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 17-104 SIZE, WEIGHT OF VEHICLES, VEHICLES MORE THAN TEN (10) TONS.

- 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 (10) tons shall be operated upon the streets, alleys and other public ways within the Town, except on state highways or as otherwise permitted herein.
- C. Emergency vehicles, public school busses, and fire equipment are specifically exempted from the provisions of this ordinance.
- D. Owner/operators of implements of farm husbandry, as well as retail and wholesale implement dealers when moving such equipment are eligible for the issuance of permits for such movement from the KPD Chief of Police.
- E. All size, weight, and load provisions adopted herein are those as provided in Oklahoma statute 47 OS 14-104.
- F. Any vehicle that required the issuance of a permit as referenced herein shall not be moved on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day. All other holidays are not affected.
- G. The permits discussed herein will set the routes and conditions for movement as solely determined by the Kiefer Chief of Police, or as set by minute or resolution of the Kiefer Board of Trustees.

State Law Reference: Size, weight, load of vehicles, 47 O.S. Sections 14-101 et seq.

SECTION 17-105 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 17-106 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 17-107 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 17-108 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 17-109 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 17-110 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 17-111 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.

SECTION 17-112 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 17-113 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 17-114 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 17-115 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 17-116 CROSSING FIRE HOSE.

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

State Law Reference: Similar provisions, 47 O.S. Section 11-1109.

Cross Reference: Interference with fire services, Section 17-115 of this Code.

SECTION 17-117 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 17-118 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 this 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 practical, 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 practical after the accident, when 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 17-119 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 17-120 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 17-121 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section.

SECTION 17-122 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 17-123 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 17-124 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 or 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 17-125 ADOPTION OF STATE TRAFFIC CODE.

The provision of the State Motor Vehicle Code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the Town within the Town limits as fully as if set out at length herein.

State Law Reference: State rule of the road, 47 O.S. Section 10-101 et seq.; State Motor Vehicle Code, 47 O.S. Sections 1-101 et seq.

SECTION 17-126 INSURANCE AND 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. A copy of the title to the vehicle showing the registered owner as required by state law.
- C. 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.

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

1. "Owner's Policy" means an owner's policy of liability insurance which:
 - a. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;
 - b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;
 - c. May provide for exclusions from coverage in accordance with existing laws; and
 - d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;
2. "Operator's Policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy;
3. "Security" means:
 - a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;
 - b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or
 - c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond;
4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this State as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes;

5. "Security verification form" means a form, approved by the State Board for property and casualty rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.
- E. 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.
- F. 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.
- G. A sentence imposed for any violation of this Section may be suspended or deferred in whole or in part by the court.
- H. 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.
- I. Upon conviction, bond forfeiture or deferral of sentence, the Court Clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

CHAPTER 2

OPERATION OF VEHICLES GENERALLY, PARKING AND SPEEDING

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ARTICLE A

GENERAL PROVISIONS

SECTION 17-201 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 17-202 DRIVER’S LICENSE REQUIRED.

It is unlawful for any person who does not have a driver’s license as required by State Law for operation of a vehicle upon the state highways, to operate a motor vehicle within the Town, or to operate a motor vehicle within the Town in violation of any restriction applied to the driver’s license.

State Law Reference: Drivers’ licenses, 47 O.S. Sections 6-101 et seq.

SECTION 17-203 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 17-204 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 17-205 INSPECTION STICKERS NOT REQUIRED

There is not requirement for any vehicle to display inspection stickers in Kiefer, Oklahoma.

SECTION 17-206 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 17-207 DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; or
2. When the right half of a roadway is closed to traffic while under construction or repair.

Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practical to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State Law Reference: Similar provisions, 47 O.S. Section 11-301.

SECTION 17-208 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 17-209 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 17-210 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 17-211 DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

- A. It is unlawful for any person to drive, operate, or be in actual physical control of a motor vehicle who is under the influence of alcohol or drugs and any violation may result in prosecution in the District Court of Creek County.

SECTION 17-212 DRIVING WHILE INTOXICATED.

- A. It is unlawful for any person who is intoxicated to drive, operate or be in actual physical control of any motor vehicle in the Town. Violation shall result in appropriate charges in the District Court of Creek County.
- B. Any person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol or drugs is subject to criminal charges in the District Court of Creek County.

SECTION 17-214 DRIVING ON SIDEWALK.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

SECTION 17-215 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 17-216 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 17-217 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 17-218 SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED.

- A. Every operator and front seat passenger of a passenger car operated in this State shall wear a properly adjusted and fastened safety belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this section, “passenger car” shall mean “vehicle” as defined in Section 1102 of Title 47 O.S.A., except that “passenger car” shall not include trucks, truck-tractors, recreational vehicles, motorcycles, motorized bicycles or vehicles used primarily for farm use and licensed pursuant to the provisions of Section 1134 of Title 47 O.S. A.
- B. This section shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this State that he is unable to wear a safety belt system for medical reasons. Provided, the issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician, thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system.
- C. This section shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.
- D. The Department of Public Safety shall not record or assess points for violations of this section on any license holder’s traffic record maintained by the Department.

- E. Fine and court costs for violating the provisions of this section shall not exceed Twenty Dollars (\$20.00).
- F. Every driver while transporting a child under six (6) years in a motor vehicle on the roadways, streets or highways within the corporate limits of Kiefer, Oklahoma shall for the purpose of protecting said child, properly use a child support restraint system, being an infant or child passenger restraint system that meets the federal standards set by 49 C.F.R. Section 571.213 as amended.
- G. Children at least six (6) years of age but younger than thirteen (13) shall be protected by a child passenger restraint system or a seat belt.
- H. The provisions of this section shall not apply to any vehicle that is not required to be equipped with seat belts under state or federal laws, or to emergency vehicles, or to children who for medical reasons are unable of being placed in such devices, or where the child weighs more than forty (40) pounds and is being transported in a back seat in a vehicle that is not equipped with combination lap and safety belts.
- I. Law enforcement officers are authorized to stop a vehicle if it appears that the driver of the vehicle is violating the provisions of this section and to give an oral warning to said driver. The warning shall advise the driver of the dangers resulting from the failure to install and utilize child passenger restraint systems.
- J. The failure of a driver to equip and utilize such a seat belt or child safety restraint system shall not be admissible in any civil action for damages, or in any manner to attempt to prove aggravation of damages in such a suit.
- K. Any person convicted of violating paragraphs (F) or (G) above shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. The fine shall be suspended, and court costs limited to the sum of Fifteen Dollars (\$15.00) in the case of a first offense upon the proof of the purchase or acquisition by loan of a child passenger restraint system meeting the standards of the Federal Act herein above referenced.
- L.

SECTION 17-219 SECURITY VERIFICATION/PROOF OF OWNERSHIP/PENALTY.

- 1. Every operator of a motor vehicle registered in this State shall while operating or using such vehicle, 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 Oklahoma Department of Public Safety, reflecting liability coverage; and driver shall carry in said vehicle proof of ownership as required by Oklahoma statutes.

2. That the owner of a motor vehicle registered in this State shall carry in such vehicle at all times a current owners security verification form listing the vehicle or an equivalent form which has been issued by the Oklahoma Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer or a representative of the Department of Public Safety and, in case of collision, the form shall be shown upon request to any person effected by said collision.
3. Any operator of a vehicle privately owned shall carry a copy of the owner's registration as issued by the State of Oklahoma at all time.
4. The following shall not be required to carry an owner's or operator's security verification form or equivalent form from the Oklahoma Department of Public Safety during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:
 - a. Any vehicle owned or leased by the Federal or State Government, or any agency or political subdivision thereof,
 - b. Any vehicle bearing the name, symbol or logo of the business, corporation or utility of the exterior and which is in compliance with the Compulsory Insurance Law according to the records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy
 - c. Any vehicle authorized for operation under a permit number issued by the Interstate Commerce Commission or the Oklahoma Corporation Commission.

PENALTY.

Any person who knowingly operates a vehicle or owns a vehicle in violation of the above and foregoing shall be guilty of a misdemeanor and shall upon conviction be subject to a fine not to exceed One Hundred Dollars (\$100.00), or imprisonment in jail, for no more than thirty (30) days, or by both fine and imprisonment, with each violation of same, being deemed a separate offense.

SECTION 17-220 TEXTING WHILE DRIVING

It is unlawful for any driver while in the operation of his vehicle to utilize any hand held device such as a mobile phone or similar device to send, receive or operate such device so as to send or receive messages of a text nature. The use of such a device shall be exempted from penalty during any emergency situation where text messages are composed, sent or received to any physician, 911 operator, police, fire or emergency service. Penalty for such violation shall be a fine in a maximum amount of \$100.00.

ARTICLE B

SPEEDING REGULATIONS

SECTION 17-221 GENERAL RULE FOR SPEED REGULATIONS.

- A. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

- B. The driver of every vehicle shall, consistent with the requirements of Subsection A, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

SECTION 17-222 GENERAL MAXIMUM SPEED LIMIT.

No vehicle, unless specifically authorized by some other section of this Code or by posted signs, 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 in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

SECTION 17-223 SCHOOL ZONES, SPEED, DESIGNATION.

No person shall operate a motor vehicle in excess of fifteen (15) miles per hour between the hours or times as posted over or upon any portion of the public streets of the Town which have been designated as school zones and marked as school zones in the manner provided by the statutes and regulations of the State.

SECTION 17-224 EXCESSIVE ACCELERATION.

Any acceleration of a vehicle on the roadways or alleyway or highway within Kiefer, Oklahoma in such manner as to result in unnecessary spinning or squealing of tires in a fashion

that could endanger the driver of the vehicle in question in to losing control of the vehicle, and not necessary to the progress of the vehicle.

ARTICLE C

PARKING REGULATIONS

SECTION 17-230 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 17-231 PARK WITHIN INDICATED SPACE.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off and not on or over a line delineating a space.

SECTION 17-232 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 17-233 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 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 17-234 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 17-235 PARKING PROHIBITIONS IN SPECIFIC AREAS.

Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street except as authorized otherwise in this section;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Along, or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - f. On any railroad tracks; or
 - g. At any place where official signs prohibit stopping or parking; or
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway;
 - b. Within ten (10) feet of a fire hydrant;
 - c. Within ten (10) feet of a crosswalk at an intersection; except in marked parking spaces;
 - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
 - e. Within twenty (20) feet of the driveway entrance to any fire station; or
 - f. At any place where official signs prohibit standing.

State Law Reference: Similar provisions, 47 O.S. Section 11-1003.

SECTION 17-236 DESIGNATION OF LOADING ZONES.

The Board of Trustees may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

SECTION 17-237 STANDING IN LOADING ZONE.

- A. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.
- B. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- C. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

SECTION 17-238 PROHIBITION AGAINST SELLING MERCHANDISE FROM PARKED VEHICLES.

It is unlawful for any person to park any vehicle upon a street in the Town and offer merchandise for sale therefrom. In addition to the penalty provided in this Part, the sale of merchandise from parked vehicles on streets in the Town is declared to be dangerous to traffic and to the persons congregating around the vehicle and constitutes a public nuisance.

SECTION 17-239 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

The presumption in Subsection A of this section shall apply only when the procedure as prescribed in this chapter has been followed.

SECTION 17-240 HANDICAPPED PARKING, ENFORCEMENT ON PUBLIC OR PRIVATE PROPERTY.

- A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 17-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 17-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

- B. Any person who shall violate any of the provisions of these sections shall be guilty of an offense and upon conviction thereof shall be punishable as provided in Section 1-108 of this Code.

State Law Reference: Handicapped insignia, application and display on vehicles, 47 O.S Section 17-112.

SECTION 17-241 TRUCK AND OTHER LARGE VEHICLE PARKING RESTRICTIONS.

The parking of trucks, trailers, recreational vehicles, industrial tractors, mowers and other related equipment and any vehicle exceeding two (2) axles on any street or alley within a district zoned residential is prohibited, except for the immediate loading or unloading of persons or materials. No commercial truck exceeding two (2) axles or in excess of a length of fifteen (15) feet or both shall be allowed to park in any area of the Town zoned as a residential district.

ARTICLE D

TURNING AND SIGNALS

SECTION 17-250 REQUIRED POSITION, METHOD OF TURNING AT INTERSECTIONS.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns: Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway; or
2. Left turns on two-way roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for 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 practical 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 17-251 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 17-102(a).

SECTION 17-252 TURNING, STOPPING SIGNALS REQUIRED.

- A. No person shall turn a vehicle to the right or left except upon giving a signal of intention, as provided in this section, in the event any other traffic may be affected by such movement.
- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle except upon the giving of a signal of intention, as provided herein, to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal.

State Law Reference: Similar provisions, 47 O.S. Section 11-604.

CHAPTER 3

TRAFFIC SIGNALS AND DEVICES

Section 17-301	Obedience to devices.
Section 17-302	Necessity of signs.
Section 17-303	Interference with devices, or signs or signals.
Section 17-304	Presumption of legality.
Section 17-305	Ratification of existing devices.
Section 17-306	Traffic-control signal legend.
Section 17-307	Flashing signals.
Section 17-308	Driving within traffic lanes.
Section 17-309	One-way streets, alleys designation.
Section 17-310	Designation of through streets.
Section 17-311	Signs at through streets.
Section 17-312	Procedures at stop signs.
Section 17-313	Procedure at yield signs.

SECTION 17-301 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 17-302 NECESSITY OF SIGNS.

No provisions 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 17-303 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 17-304 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 17-305 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 17-306 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 17-307 FLASHING SIGNALS.

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, or if none, then before entering the intersection; and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or
2. Flashing yellow (caution signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

SECTION 17-308 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 practical 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 17-309 ONE-WAY STREETS, ALLEY 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. Section 11-308, 15-102(a).

SECTION 17-310 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 17-108.

SECTION 17-311 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 17-312 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 17-313 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).

CHAPTER 4

BICYCLES

Section 17-401	Regulations applicable generally.
Section 17-402	Traffic laws and regulations apply.
Section 17-403	Obedience to traffic-control devices.
Section 17-404	Riding on bicycles.
Section 17-405	Use right side of roadway.
Section 17-406	Riding abreast.
Section 17-407	Speed.
Section 17-408	Riding on sidewalks.
Section 17-409	Lights and reflectors.

SECTION 17-401 REGULATIONS APPLICABLE GENERALLY.

It is unlawful for any person to do any act or fail to perform any act required by the provisions of this chapter. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. The provisions of this chapter are applicable to bicycles operated upon any street or highway or upon any path set aside for the exclusive use of bicycles.

State Law Reference: Similar provisions, 47 O.S. Section 11-1201.

SECTION 17-402 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 17-403 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 17-404 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 17-405 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 practical, exercising due care when passing a standing vehicle or one proceeding in the same direction.

SECTION 17-406 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 17-407 SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

SECTION 17-408 RIDING ON SIDEWALKS.

Bicycles may not be ridden upon any sidewalk within the Town.

SECTION 17-409 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 17-501	Purpose and effect of impoundment provisions.
Section 17-502	Place of impoundment.
Section 17-503	Duration of impoundment.
Section 17-504	Police granted authority to impound vehicles.
Section 17-505	Disabled vehicles.
Section 17-506	Vehicles on bridge.
Section 17-507	Arrest and detention of driver of vehicle.
Section 17-508	Vehicle constitutes traffic hazard.
Section 17-509	Illegal trespass by vehicle.
Section 17-510	Vehicles parked overtime.
Section 17-511	Vehicles blocking fire exits or hydrants.
Section 17-512	Vehicles parked in intersection.
Section 17-513	Stolen vehicles; recovery by police.
Section 17-514	Vehicles with outstanding traffic citations.
Section 17-515	Inventory of impounded vehicles.

SECTION 17-501 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 17-502 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 17-503 DURATION OF IMPOUNDMENT.

- A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

- B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

SECTION 17-504 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 17-505 DISABLED VEHICLES.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a define hazard or obstruction to the normal movement of traffic; or
2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

SECTION 17-506 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 17-507 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 17-508 VEHICLE CONSTITUTES TRAFFIC HAZARD.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a define hazard or obstruction to the normal movement of traffic shall be impounded.

SECTION 17-509 ILLEGAL TRESPASS BY VEHICLE.

- A. An unattended vehicle found to be in violation of this Code may be impounded when the required complaint has been properly made and filed as provided in this section.

- B. If a violation of the provisions of this Code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.
- C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this Code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

SECTION 17-510 VEHICLES PARKED OVERTIME.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this Code regarding more than twenty-four (24) hours, shall be impounded.

SECTION 17-511 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 17-512 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 17-513 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 17-514 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 17-515 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 17-601 General and specific penalties.

SECTION 17-601 GENERAL AND SPECIFIC PENALTIES.

- A. Any violation of the provisions of Part 17 of the Code shall be deemed a misdemeanor and shall be punished by fine as shown in the General Penalty in Section 1-108 of this Code unless otherwise specifically provided.

PART 18
TRANSPORTATION
(RESERVED)

PART 19

UTILITIES

CHAPTER 1

MUNICIPAL UTILITY SYSTEM

Section 19-101	Municipal Utility System.
Section 19-102	Use of Municipal Utility System.
Section 19-103	Operation of Municipal Utility Systems.
Section 19-104	Application for Utility Service.

CHAPTER 2

MUNICIPAL SEWER SYSTEM

Section 19-201	Use of Municipal Sewer System.
Section 19-202	Mandatory Sewer Connections.
Section 19-203	Private Sewage Disposal Facilities.
Section 19-204	Sewer Rates and Fees.

CHAPTER 3

MUNICIPAL SOLID WASTE SYSTEM

Section 19-301	Collection and Disposal declared to be a Municipal function.
Section 19-302	Purpose.
Section 19-303	Definitions.
Section 19-304	Accumulation of a nuisance; containers.
Section 19-305	Collection of garbage and rubbish.
Section 19-306	Contract and disposal.
Section 19-307	Disposal.
Section 19-308	Inspections.
Section 19-309	Fees.
Section 19-310	Duty to request garbage service.
Section 19-311	Burning of solid waste.
Section 19-312	Charges for solid waste collection and disposition.

CHAPTER 4

MUNICIPAL GAS SYSTEM

Section 19-401	Gas System Operation.
Section 19-402	Mandatory use of Municipal Gas System.
Section 19-403	Tampering with or injuring Municipal Gas System.

Section 19-404 Gas rates, fees and charges.
Section 19-405 Gas shortage.

CHAPTER 5

TELEPHONE EXCHANGE FEE

Section 19-501 Inspection Fee.
Section 19-502 Fee in Lieu of Taxes.
Section 19-503 Failure to Pay Inspection Fee.
Section 19-504 Emergency 911 System/Telephone Exchange Fee.

CHAPTER 6

MUNICIPAL PARK AND RECREATIONAL FACILITIES

Section 19-601 Rules and regulations for Municipal Parks.

CHAPTER 7

MUNICIPAL CEMETERY

(RESERVED)

CHAPTER 8

MUNICIPAL LIBRARY SYSTEM

(RESERVED)

CHAPTER 9

MUNICIPAL AIRPORT

(RESERVED)

CHAPTER 10

INDUSTRIAL WASTES

Section 19-1001	Prohibited discharges.
Section 19-1002	New sewers and connections.
Section 19-1003	Toxic pollutants charges.
Section 19-1004	Notification.
Section 19-1005	Charges for extraneous flows.
Section 19-1006	Records.
Section 19-1007	Billing.

CHAPTER 11

MISCELLANEOUS PROVISIONS

Section 19-1101	Turning on utilities.
Section 19-1102	No service connection until bills have been paid; cut-offs.
Section 19-1103	Customers to keep service pipes in good repair.
Section 19-1104	Town not responsible for utility interruption.
Section 19-1105	Municipal Personnel may inspect private premises.
Section 19-1106	Interference with fire hydrants' damage of utility system.
Section 19-1107	Lease of systems.
Section 19-1108	Rates adopted by reference.
Section 19-1109	Service area defined.
Section 19-1110	Alternative utilities sources unlawful.
Section 19-1111	Separate service.
Section 19-1112	Application for service.
Section 19-1113	Procedures for Governing Board to set utility deposits, rates, penalties and charges.
Section 19-1114	Utility rates, penalties and charges outlined.
Section 19-1115	Utility deposit refund outlined.
Section 19-1116	Bills, when payable, delinquency, notification of and disconnection of service.
Section 19-1117	Damaging equipment.
Section 19-1118	Utility taps, fees, charges outlined.

CHAPTER 12

PENALTY

Section 19-1201	Penalty.
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CHAPTER 1

MUNICIPAL UTILITY SYSTEM

- Section 19-101 Municipal Utility System.
- Section 19-102 Use of Municipal Utility System.
- Section 19-103 Operation of Municipal Utility Systems.
- Section 19-104 Application for Utility Service.

SECTION 19-101 MUNICIPAL UTILITY SYSTEM.

- C. The Town of Kiefer, Oklahoma, provides sewer, gas and solid waste services for the residents of said Municipality.

- D. Sewer and gas services are operated through the Kiefer Public Works Authority, a Municipal Trust of which said Town is the beneficiary; said Trust shall have control over the operation, maintenance and administration of said Systems and Services. Solid waste collection and disposal is the responsibility of the Town of Kiefer, Oklahoma.

SECTION 19-102 USE OF MUNICIPAL UTILITY SYSTEM.

Every residential inhabitant within the corporate limits of the Town of Kiefer, Oklahoma, and every commercial or business entity or enterprise who may practically do so, shall connect to the Sanitary Sewer and Gas Systems owned by said Town and leased to said Authority, and not otherwise dispose of sewage, unless it is impossible or not feasible to do so; and utilize the Municipal Solid Waste Collection and Disposal System, unless said service is not offered.

SECTION 19-103 OPERATION OF MUNICIPAL UTILITY SYSTEM.

- 1. The operations of the Municipal Sewer and Gas Systems shall be the responsibility of the Kiefer Public Works Authority; said Authority shall have the power to establish fees, rates, deposits, charges and such other rules and regulations as may be necessary for the efficient operation of these Systems.

- 2. The operators of the Municipal Solid Waste Collection and Disposal System shall be the Board of Trustees of the Town of Kiefer, Oklahoma; said Board shall have the authority to establish fees, charges and operational procedures and regulations as may be necessary for efficient operation of the System, and to ensure continued operation of the Kiefer Authority, other trust of which the Town is a member, participant or beneficiary.

- 3. Administrative processes for all Systems may be combined for more efficient operation, at the discretion of the Town Board of Trustees and the Kiefer Public Works Authority Board.

4. Ordinances relating to these Municipal Utility Systems shall be applicable, whenever possible, to all Municipal Utility Systems, including those operated by the Public Works Authority.

SECTION 19-104 APPLICATION FOR UTILITY SERVICE.

Every person, firm or corporation desiring to have his premises connected with any of the Town's utilities, gas, sewer, or trash collection, shall make application and sign a contract therefor upon a printed form to be furnished for that purpose, and shall pay the regular fees and deposits for installation of the service, made by KPWA personnel.

CHAPTER 2

MUNICIPAL SEWER SYSTEM

Section 19-201	Use of Municipal Sewer System.
Section 19-202	Mandatory Sewer Connections.
Section 19-203	Private Sewage Disposal Facilities.
Section 19-204	Sewer Rates and Fees.

SECTION 19-201 USE OF MUNICIPAL SEWER SYSTEM.

It shall be unlawful for any person, firm or corporation to make any connection to the Municipal Sewer System without first complying with all applicable provisions of this Code of Ordinances and all requirements of the Kiefer Public Works Authority.

SECTION 19-202 MANDATORY SEWER CONNECTIONS.

1. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the Town of Kiefer, Oklahoma, and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Town, are hereby required, at their own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within one hundred and twenty (120) days after the date of official Municipal notice to do so; provided, that, such public sewer is within three hundred (300) feet of the property line.
2. Said notice (above) shall be served by any designated agent of the Town by delivering a true and correct copy to the property owner, or leaving the same at said person's usual place of residence with a member of the family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.
3. Any person who shall fail, neglect or refuse to comply with the terms of this Section after having been notified so to do, as provided herein, shall be guilty of an offense. In the event of a continuous violation of this Section by any property owner, the Town may authorize the disconnection of the furnishing of water to such property owner, until such time as a proper sewer connection has been made.

SECTION 19-203 PRIVATE SEWAGE DISPOSAL FACILITIES.

1. Except as hereinafter provided in this Code of Ordinances, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of sewage, within the corporate limits of the Town of Kiefer, Oklahoma.

2. Where a connection to public sanitary sewer lines is not required under the provisions of Section 19-202, a private septic tank facility for sewage disposal may be constructed and maintained, provided it is constructed and maintained under the rules and regulations of the Local and County Health Officer, and in compliance with the recommendations and requirements of the Oklahoma State Department of Health. No septic tank shall be permitted to discharge to any public sewer or natural outlet.
3. The owners of private septic tanks shall operate and maintain the same in a sanitary manner at all times, at no expense to the Town, and no statement contained in this Part shall be construed to interfere with any additional requirements that may be imposed by the Local, County or State Health Officers.
4. At such times as a public sewer becomes available to a property served by a septic tank, a direct connection shall be made to such public sewer in compliance with Section 19-202, and the septic tank shall immediately be abandoned and filled with suitable material.

SECTION 19-204 SEWER RATES AND FEES.

All sewer rates, fees and charges will be determined and set forth by Kiefer Public Works Trustees. A copy of rates, fees and charges may be obtained from KPWA office at Town Hall.

CHAPTER 3

MUNICIPAL SOLID WASTE SYSTEM

Section 19-301	Collection and Disposal declared to be a Municipal function.
Section 19-302	Purpose.
Section 19-303	Definitions.
Section 19-304	Accumulation of a nuisance; containers.
Section 19-305	Collection of garbage and rubbish.
Section 19-306	Contract and disposal.
Section 19-307	Disposal.
Section 19-308	Inspections.
Section 19-309	Fees.
Section 19-310	Duty to request garbage service.
Section 19-311	Burning of solid waste.
Section 19-312	Charges for solid waste collection and disposition.

SECTION 19-301 COLLECTION AND DISPOSAL DECLARED TO BE A MUNICIPAL FUNCTION.

The collection and disposal of garbage, trash and refuse and other solid waste is hereby declared to be a Municipal function of the Town of Kiefer, Oklahoma, as a protection of the public health; the police powers of said Town shall be invoked when necessary for the enforcement of this Part. In addition, the Town of Kiefer, Oklahoma, may collect and dispose of refuse, as it deems necessary; provided, that, such disposal shall be an approved method of incineration (not open burning) or by landfill and daily cover.

SECTION 19-302 PURPOSE.

It is the purpose of this Chapter and it is hereby declared to be the policy of the Town of Kiefer, Oklahoma, pursuant to the authority of the Oklahoma Solid Waste Management Act (Title 63 O.S. 1991, Sections 2251-2265, inclusive and as amended), to regulate the collection and disposal of solid wastes in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources, and enhance and preserve the beauty and quality of the Community's environment.

SECTION 19-303 DEFINITIONS.

1. "Refuse" means tree trimmings, junked building and roofing materials, manufacturing waste, rocks, dirt and other waste material not defined as "solid waste" or "trash".
2. "Solid Waste" includes all putrescible and nonputrescible refuse in solid or semi-solid form, including, but not limited to, garbage, refuse, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or

semi-solid commercial and industrial wastes and hazardous wastes (including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes).

3. "Solid Waste Management System" means the entire process of storage, collection, transportation, processing and burying solid wastes at or in a site approved by the Oklahoma State Department of Health.
4. "Trash" means paper, rags, containers or paper, tin cans, yard and house sweepings and all other household waste, but not tree trimmings, building and manufacturing waste, sewage and rocks, raw dirt, rainwater and other liquid refuse properly disposable through the sanitary sewers of the Town.

SECTION 19-304 ACCUMULATION OF A NUISANCE; CONTAINERS.

1. It shall be unlawful for any person in charge of any lot or piece of ground to allow solid waste to accumulate thereon, so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood or any inhabitant thereof. Any such condition is hereby declared a violation of this Chapter and punishable as such, and in addition is declared to be a nuisance and may be abated as such.
2. Any person constructing any structure within the Town of Kiefer, Oklahoma, shall, prior to construction on any premises, furnish and place on said premises a container of suitable size and design (one yard dumpster minimum) to contain all solid waste which might, by the winds or elements, be distributed and blown from the premises; said container shall be used by the person concerned at all times to keep the premises from becoming unsightly with solid waste, and shall always be kept covered.
3. Any person who fails to keep the premises on which any structure is being built or installed free from solid waste and who allows said waste to blow or be carried from the premises to adjoining or other property or into the streets, shall be deemed guilty of causing a nuisance, and shall be subject to the penalties in this Code of Ordinances prescribed therefor.
4. Each residential customer shall have a storage container of not more than thirty-two (32) gallons except where a bulk storage container has been approved for the use in construction or remodeling. Each commercial customer shall have a choice of either a bulk storage container or thirty-two (32) gallon container, depending on the needs of their business. All waste receptacles shall be provided by contracted solid waste service. 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.
5. All containers shall be kept in a convenient location for collection, as designated by the Town Board of Trustees, whereby collectors can obtain same without going into buildings, garages, locked gates or fenced yards with dogs. All containers and

grounds immediately around same shall be kept in a safe and sanitary condition at all times.

6. 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 or Fire Chief.

SECTION 19-305 COLLECTION OF GARBAGE AND RUBBISH.

1. The Town or its authorized representative shall collect from all areas of the Town upon schedule as approved by the Town Board. It is the duty of any person in possession or control of any premises to place the containers required by this Ordinance in a location easily accessible to the collector as directed by the Town Health Officer.
2. 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.
3. 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.
4. 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.
5. Manure from cowlots, horse stables, poultry yards, pigeon lofts, and other animals or fowl pens, and waste oils from garages or filling stations or materials considered hazardous and/or dangerous, shall be removed and disposed of at the expense of the person controlling same in the manner and by the method directed by the Town Health Officer.
6. The placing of garbage or rubbish or any refuse material in any street or alley within the Town limits or the disposal of such refuse at any place within the Town limits, except at such place as may be directed by the Town Health Officer is prohibited.
7. Meddling with refuse containers or in any way pilfering, scattering contents, or junking in any alley or street within the Town limits is prohibited.

SECTION 19-306 CONTRACT AND DISPOSAL.

1. 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 Part.
2. Every person desiring to engage in the collection and disposal of refuse shall have the right to make written application to the Town and shall make written application, setting forth the name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the collection or disposal of such refuse, the place of disposal and the method of disposal to be practiced. Upon approval of application all bids may be considered at some time prior to the expiration of the then existing contract, if any.
3. Any person whose application has been denied may request and shall be granted, a hearing before the Town Board of Trustees.
4. It is unlawful for any person who does not do so under a contract with the Town to engage in the business of refuse collection or refuse disposal for compensation in the Town.

SECTION 19-307 DISPOSAL.

The disposal of garbage and rubbish shall be by an approved method of incineration (not open burning) or by landfill and daily cover.

SECTION 19-308 INSPECTIONS.

The Town may make all necessary inspections and investigations of any and all premises to see that the terms of this Part are complied with.

SECTION 19-309 FEES.

There may be charged, assessed and collected from each residential and commercial unit such amounts as set in accordance with this Code.

SECTION 19-310 DUTY TO REQUEST GARBAGE SERVICE.

To assist in maintaining the general sanitation of the Town it is the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the Town at the beginning of such occupancy and request, accept and use

the garbage pickup and collection service; provided, however, that failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the Town from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures.

SECTION 19-311 BURNING OF SOLID WASTE.

1. It shall be an offense to construct or install, within any building in the Town of Kiefer, Oklahoma, an unlawful incinerator designed to burn solid wastes.
2. It is unlawful for any person to burn any trash within the Town without first securing a Permit from the Town.
3. Application for a Burn Permit shall be made to the Kiefer Fire Chief. The applicant shall provide information to the Kiefer Fire Chief concerning the date, time, place and manner of burning and such other information as may be reasonably required for the protection of the public health, safety and welfare.
4. The Fire Chief shall issue a Burn Permit to the applicant if the Fire Chief finds that the burning will not create any harm to the public health, safety, or welfare.

SECTION 19-312 CHARGES FOR SOLID WASTE COLLECTION AND DISPOSITION.

All solid waste disposal (trash) rates; fees and charges will be determined and set forth by Kiefer Public Works Trustees. A copy of rates, fees and charges may be obtained from KPWA at Town Hall.

CHAPTER 4

MUNICIPAL GAS SYSTEM

Section 19-401	Gas System Operation.
Section 19-402	Mandatory use of Municipal Gas System.
Section 19-403	Tampering with or injuring Municipal Gas System.
Section 19-404	Gas rates, fees and charges.
Section 19-405	Gas shortage.

SECTION 19-401 GAS SYSTEM OPERATION.

The Town of Kiefer, Oklahoma, Gas System will be operated and maintained by qualified Kiefer Public Works Authority personnel, in accordance with U.S. Department of Transportation, Title 49 of the code of Federal Regulations and the Office of Pipeline Safety.

SECTION 19-402 MANDATORY USE OF MUNICIPAL GAS SYSTEM.

1. The owners of all houses, buildings or properties used for human occupancy, employment, education, recreation or other purposes, situated with the Town of Kiefer, Oklahoma, and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a Municipal Gas Line, are hereby required, at their expense, to connect their facility with the proper Municipal Gas Line (in accordance with all Municipal requirements) and pay all Municipal fees and use charges therefor, within one hundred and twenty (120) days after the date of official Municipal notice to do so; provided, that, the Municipal Gas Line is within three hundred (300) feet of the property line.
2. After making application to the KPWA Clerk's office, paying the established fee and getting application approval, authorized KPWA personnel will make connections to Municipal Lines. No unauthorized person shall make any connections with any Municipal Gas Line.
3. All persons receiving Gas services in or out of the corporate boundaries of the Town of Kiefer, Oklahoma, must have a working gas meter installed and operating, and approved by the Municipal Government, at each individual residence, other building or account.
4. The requirements of this Section shall not apply to persons currently being served directly by another existing as company.

SECTION 19-403 TAMPERING WITH OR INJURING MUNICIPAL GAS SYSTEM.

It shall be unlawful for any person to injure or deface, or in any way tamper with, any portion of the Municipal Gas System or to turn the gas off or on from any main at any time or place, unless said person is duly authorized so to do by the Kiefer Public Works Authority.

SECTION 19-404 GAS RATES, FEES AND CHARGES.

All Gas System rates, fees and charges will be determined and set forth by Kiefer Public Works Trustees. A copy of rates, fees and charges may be obtained from KPWA office at Town Hall.

SECTION 19-405 GAS SHORTAGE.

1. Whenever an emergency exists by reason of a shortage of gas due to inadequate supply, limited distribution capacity, or failure of equipment or material, the Mayor or the Town Board of Trustees, by majority vote thereof at any Regular, Special or Emergency Meeting, are hereby authorized to restrict or prohibit the use of gas from the Municipal Gas System.
2. Upon the determination that such an emergency exists, the Mayor or the Town Board of Trustees shall issue a proclamation declaring the emergency and setting out with particularity an order restricting or prohibiting use. The order may be revised from time to time as the Mayor or the Town Board of Trustees deems necessary.
3. The proclamation required by the proceeding Subsection shall be published in a newspaper of general circulation in the Town or, if there is not such a newspaper in which the proclamation may be published within twenty-four (24) hours of determination of an emergency, publication shall be posting a copy of the proclamation in eight (8) prominent places in the Town. The emergency shall be in full force and effect upon publication. Substantial compliance with this Subsection is sufficient to affect the emergency.
4. Whenever a sudden or unexpected event so reduces the availability of gas as to create an immediate threat to public health or safety the notice of the proclamation may be given by any reasonable means, including, but not limited to, electronic means or by mail. The emergency shall be in full force and effect upon such notice; provided, that, if any such means is other than that required in Subsection 3 (hereinabove), the proclamation shall be republished in accordance thereof within twenty-four (24) hours of the first notice.
5. A duly-proclaimed emergency shall continue and the terms of the proclamation shall be in force for thirty (30) days or until such time as the Mayor or the Town Board of Trustees shall cause to be published a proclamation stating that the emergency has ended, whichever is shorter, unless said Town Board, approved by a majority of all its members, extends the proclamation.
6. Any person feeling aggrieved by a proclamation of the Mayor of the Town Board of Trustees, shall have the right to present the matter to the next Regular or Special Meeting of the Town Board or to any emergency session called to discuss the Gas System emergency. The Town Board may exempt such aggrieved person, wholly or

part, from compliance with the proclamation order or charges and fees for services. The ruling of the Town Board, 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 Town Board, all gas users shall be bound by the proclamation.

CHAPTER 5

TELEPHONE EXCHANGE FEE

- Section 19-501 Inspection Fee.
- Section 19-502 Fee in Lieu of Taxes.
- Section 19-503 Failure to Pay Inspection Fee.
- Section 19-504 Emergency 911 System/Telephone Exchange Fee.

SECTION 19-501 INSPECTION FEE.

There is hereby levied an annual inspection fee and service charge upon every person, firm or corporation operating a telephone exchange or rendering telephone service in the Town of Kiefer, Oklahoma, in an amount equal to three percent (3%) of the gross revenues for each current year, for exchange telephone transmission service rendered wholly within the corporate limits of the Town of Kiefer, Oklahoma, to compensate the Municipality for the expenses incurred and services rendered incident to the exercise of its police power, supervision, policy regulation and control during construction and operation of lines and equipment of said telephone company in said Municipality. Said fee shall be due and payable on or before the 1st day of March of each year and shall be paid into, and expended from, the General Fund of the Town of Kiefer, Oklahoma.

SECTION 19-502 FEE IN LIEU OF TAXES.

During continued substantial compliance with the terms of this Article by the owner of the telephone exchange (or company rendering telephone service within the limits of said Municipality), the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excises, franchises, licenses, privileges and permit fees, taxes or assessments except ad valorem taxes; provided, that it is not intended hereby to extinguish or abrogate all existing arrangements whereby said Municipality is permitted to use any underground conduits, duct space or pole contracts or said company.

SECTION 19-503 FAILURE TO PAY INSPECTION FEE.

Should any person, firm or corporation fail or refuse to pay such fee when levied, action may be taken against such person, firm or corporation for the amount of such fees; all expenses for collection of the same, including a reasonable attorney's fee, shall be paid by the party or parties that said action is taken against.

SECTION 19-504 EMERGENCY 911 SYSTEM/TELEPHONE EXCHANGE FEE.

There is hereby set a 911 Telephone Exchange Fee tariff of five percent (5%). Same fee shall be utilized or assigned by the Board of Trustees.

CHAPTER 6

MUNICIPAL PARK AND RECREATIONAL FACILITIES

Section 19-601 Rules and regulations for Municipal Parks.

SECTION 19-601 RULES AND REGULATIONS FOR MUNICIPAL PARKS.

1. The park and recreational areas and facilities owned and operated by the Town of Kiefer, Oklahoma, shall be closed to the public from 10:00 o'clock p.m. of each night until 6:00 o'clock a.m. of the following day, and it shall be unlawful for any person to remain in or upon said areas or facilities between said hours for any purpose.
2. It shall be unlawful for any motor vehicles to be used in or upon said park areas or facilities, except in those areas designated (by markings or signs) as roadways, driveways or parking areas, within said park areas or facilities.
3. It shall be unlawful for any person or group of persons to damage, remove, deface or destroy any equipment or property owned by the Town of Kiefer, Oklahoma, located within said park areas or facilities.
4. The Town's public park areas may not be used for overnight camping purposes by any person, firm or corporation, whether a resident or a nonresident of the Town of Kiefer, Oklahoma.

CHAPTER 7

MUNICIPAL CEMETERY

(RESERVED)

CHAPTER 8

MUNICIPAL LIBRARY SYSTEM

(RESERVED)

CHAPTER 9
MUNICIPAL AIRPORT
(RESERVED)

CHAPTER 10

INDUSTRIAL WASTES

Section 19-1001	Prohibited discharges.
Section 19-1002	New sewers and connections.
Section 19-1003	Toxic pollutants charges.
Section 19-1004	Notification.
Section 19-1005	Charges for extraneous flows.
Section 19-1006	Records.
Section 19-1007	Billing.

SECTION 19-1001 PROHIBITED DISCHARGES.

1. No person may discharge to a public sewer any waste which by itself or by interaction with other wastes may:
 - a. Injure or interfere with wastewater treatment processes or facilities;
 - b. Constitute a hazard to humans or animals; or
 - c. Create a hazard in the receiving waters of the wastewater treatment plant effluent.
2. Any new connections from inflow sources into the sanitary sewer portions of the sewer shall be prohibited.
3. It is the intention of the Town of Kiefer, Oklahoma, to regulate present and future industrial wastewater which might be discharged by a user of the facilities. Wastewater introduced into the facilities shall contain no toxics or other pollutants in amounts or concentrations that endanger public safety or the physical integrity of the treatment works, or cause violation of effluent or water quality limitations, or preclude the use of the most cost effective wastewater treatment and sludge disposal system.

SECTION 19-1002 NEW SEWERS AND CONNECTIONS.

1. The connection of all building sewers into the public sewer lines shall conform to the requirements of the Building and Plumbing Codes adopted by, and the other applicable rules and regulations of, the Town of Kiefer, Oklahoma.
2. All new sanitary sewage works shall be designed and constructed in accordance with the requirements and regulations of the Oklahoma State Department of Health.

SECTION 19-1003 TOXIC POLLUTANTS CHARGES.

Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs.

SECTION 19-1004 NOTIFICATION.

Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment services. Costs shall be broken down to show the operation and maintenance costs attributable to that user.

SECTION 19-1005 CHARGES FOR EXTRANEEOUS FLOWS.

The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration/flow) shall be distributed among users on the same basis as operation and maintenance charges.

SECTION 19-1006 RECORDS.

A record-keeping system shall be established and maintained by the KPWA Personnel of the Town of Kiefer, Oklahoma, to document compliance with Federal Regulations pertaining to the User Charge Article.

SECTION 19-1007 BILLING.

Users will be billed on a monthly basis with payment due twenty (20) days after the date of billing. Users of the wastewater system will be billed monthly on an individual notice for wastewater service at the rate established by the Town Board of Trustees. Users with delinquent accounts of twenty (20) days will be notified in writing by the Utility Superintendent that water and/or wastewater services will be terminated unless the account is paid in full.

CHAPTER 11

MISCELLANEOUS PROVISIONS

Section 19-1101	Turning on utilities.
Section 19-1102	No service connection until bills have been paid; cut-offs.
Section 19-1103	Customers to keep service pipes in good repair.
Section 19-1104	Town not responsible for utility interruption.
Section 19-1105	Municipal Personnel may inspect private premises.
Section 19-1106	Interference with fire hydrants' damage of utility system.
Section 19-1107	Lease of systems.
Section 19-1108	Rates adopted by reference.
Section 19-1109	Service area defined.
Section 19-1110	Alternative utilities sources unlawful.
Section 19-1111	Separate service.
Section 19-1112	Application for service.
Section 19-1113	Procedures for Governing Board to set utility deposits, rates, penalties and charges.
Section 19-1114	Utility rates, penalties and charges outlined.
Section 19-1115	Utility deposit refund outlined.
Section 19-1116	Bills, when payable, delinquency, notification of and disconnection of service.
Section 19-1117	Damaging equipment.
Section 19-1118	Utility taps, fees, charges outlined.

SECTION 19-1101 TURNING ON UTILITIES.

1. It shall be unlawful for any person to turn a utility on to any premises from any Municipal Utility System, without written permission of the KPWA Personnel. Utilities shall not be turned on until any and all deposits and charges have been paid. The KPWA Personnel shall see that the utility is turned on when all requirements for service have been complied with.
2. When a utility has been turned off by Municipal personnel, it shall not be turned on again without written permission of the KPWA Personnel.

SECTION 19-1102 NO SERVICE CONNECTION UNTIL BILLS HAVE BEEN PAID; CUT-OFFS.

1. A person owing delinquent Municipal utility bills or other charges in connection with any Municipal Utility System shall not be extended additional services until such bills and charges have been paid.
2. Utilities may be cut off and service discontinued for any of the following reasons:

- a. Violation of any Ordinance provision relating to any Municipal Utility or Service System, or violation of any Ordinance provision or any provision of a Code adopted by reference, relating to water and sanitary plumbing or electrical installations, as the case may be; or
 - b. Failure to pay a utility bill or other proper charge made in connection with the Municipal Utility System by the time specified by Ordinance.
3. A particular service may be cut off for any act or omission in regard to the abuse of another Municipal System or Service, which jeopardizes the public health or safety, creates a public nuisance or interferes with the rights of others.
 4. The Town reserves the right to cut off or reduce any utility or service to any customer when necessary to conserve water, to protect life or property, or to repair or improve the Municipal Utility System.

SECTION 19-1103 CUSTOMERS TO KEEP SERVICE PIPES IN GOOD REPAIR.

All customers using any Municipal Utilities Systems shall keep their service pipes and other apparatus in good repair and in proper operation, and shall not unnecessarily waste water nor contribute to unsanitary conditions.

SECTION 19-1104 TOWN NOT RESPONSIBLE FOR UTILITY INTERRUPTION.

The Town shall not be responsible for any damages due to stoppage or interruption of any utility or service.

SECTION 19-1105 MUNICIPAL PERSONNEL MAY INSPECT PRIVATE PREMISES.

Personnel in the service of the Town of Kiefer, Oklahoma, may enter any private premises served by Municipal utilities at any reasonable time, and inspect the pipes, fixtures and/or wiring on the premises.

SECTION 19-1106 INTERFERENCE WITH FIRE HYDRANTS' DAMAGE OF UTILITY SYSTEM.

1. It shall be unlawful for any person, unless duly authorized, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the Town of Kiefer, Oklahoma.
2. It shall be unlawful for any person to, in any manner, obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing.
3. It shall be unlawful for any person to damage, destroy or tamper with any pipes, lines, meters or other equipment or property which is a part of any Municipal Utility System.

SECTION 19-1107 LEASE OF SYSTEMS.

The Town has leased the operation of its sewer and gas systems to the Kiefer Public Works Authority, including setting rates for use of the systems and all regulations governing them. For a copy of current rates and rules, see the minutes of the Kiefer Public Works Authority.

SECTION 19-1108 RATES ADOPTED BY REFERENCE.

The rates and rules of the Kiefer Public Works Authority are adopted and incorporated herein by reference, fully applicable as if set out at length herein. Violations are punishable as provided in Section 1-108 of this Code.

SECTION 19-1109 SERVICE AREA DEFINED.

It is unlawful for any person, firm or corporation to install, connect, initiate or contract for services any alternative form of utilities services when within the limits of the Town of Kiefer, unless otherwise dictated by the Board of Trustees.

SECTION 19-1110 ALTERNATIVE UTILITIES SOURCES UNLAWFUL.

It is unlawful for any person, firm or corporation to install, connect, initiate or contract for services any alternative form of utilities services when within the limits of the Town of Kiefer, unless otherwise dictated by the Board of Trustees.

SECTION 19-1111 SEPARATE SERVICE.

Every separate premise supplied must have its own separate service tap and connection with the mains or lines, and the premises so supplied shall not be allowed to supply gas, water or sewer to any other premises.

SECTION 19-1112 APPLICATION FOR SERVICE.

Any person, firm or corporation desiring to obtain utilities services from the Kiefer Public Works Authority shall make application for such service. Each request for service shall be made by application and contract of printed form, to be signed and to be furnished for that purpose, and shall pay all required fees and deposits for installation of said services.

SECTION 19-1113 PROCEDURES FOR GOVERNING BOARD TO SET UTILITY DEPOSITS, RATES, PENALTIES AND CHARGES.

The Board of Trustees of the Town shall establish future deposits, rates, penalties and charges for utility services by Ordinance, motion or Resolution, as the case may be. The Board of Trustees of the Town shall review all deposits, rates, penalties and charges on an annual basis, to ensure that the Town's income is sufficient to meet the Town's needs. An additional deposit of

up to double that of the current deposit requirement may be required based off the account history of the address or location. A copy of the current deposits, rates, penalties, and other charges shall be available in the office of the Kiefer Public Works Authority.

SECTION 19-1114 UTILITY RATES, PENALTIES AND CHARGES OUTLINED.

All rates, penalties, charges and fees in connection with any customer's use of the Town's Utilities Systems, or the operation of the Town's Collection and Disposal of Refuse, are billed in accordance with applicable rates of this Code. All fees and charges owing for any of these Utility Services shall be billed on one (1) monthly bill submitted to the customer each month.

SECTION 19-1115 UTILITY DEPOSIT REFUND OUTLINED.

Unless otherwise provided herein, all money acquired by the Kiefer Public Works Authority for the purpose of utility deposit from a customer shall be credited to the account thereof for payment of all charges due and connected with services upon termination of services. Any remaining balance due from deposit after charges shall be refunded to the customer of the utility account within ninety (90) days, after termination of services. If the deposit refund has not been claimed by the customer within one (1) year following the date of termination of services, the Kiefer Public Works Authority shall send a written notice to the customer at the last known address stating that the deposit will be paid over to the Kiefer Public Works Authority unless it is claimed by the customer within ninety (90) days of the date of the written notice. The Kiefer Public Works Authority shall publish in a newspaper of local circulation a list of the names and last known addresses of customers stating that the money will be paid over to the Kiefer Public Works Authority within ninety (90) days if not claimed. No customer shall have a right to any claim or refund on the deposit after ninety (90) days of publication.

SECTION 19-1116 BILLS, WHEN PAYABLE, DELINQUENCY, NOTIFICATION OF AND DISCONNECTION OF SERVICE.

1. Upon failure of any customer to pay any part of a utilities bill for any utility services by the due date on the bill, the following actions and penalties may result:
 - a. A ten percent (10%) penalty of all current amount owing on a utility bill is added to any utility bill which is not paid by the due date of the bill; and
 - b. If the bill remains unpaid after the cutoff date listed on the delinquency notice, the following actions may result:
 - 1) The authorized agent(s) of the Town may deliver a twenty-four (24) hour disconnect notice to premises of each customer determined to be delinquent.
 - 2) The authorized agent(s) of the Town may disconnect or discontinue any or all utility services to the customer after the 24 hours have passed according to the date on the written notice that was delivered to the customer of the intent of the Town to disconnect or discontinue any or all of the utility services;

- 3) The authorized agent(s) of the Town, upon direction of the Town Board of Trustees, may discontinue to furnish utility services to any customer refusing or neglecting to pay all or any part of a utility bill submitted after issuing written notice to the customer of the intent of the Town to disconnect or discontinue service. If any utility service is disconnected for discontinued pursuant to this Section, the Town, or its agent(s), shall not reconnect or reestablish the services until the full amount of any outstanding utility service bill is paid, plus, the penalty provided for in this Section, plus any applicable charges or expenses in the reconnecting or reestablishing of service(s) unless suitable arrangements are made with the customer. An additional deposit requirement may be required, based off the account history, before services are reestablished. In the event the customer is a renter or leasee of the property, leaving an unpaid utility bill, such utility bill shall be paid by the property owner, if necessary, prior to the service(s) being reconnected or reestablished to the premises.
2. If Town personnel goes to the premises to shut off the service and the occupant pays the Town prior to his disconnection of service, there may be added to the bill a sum for the trip made by the Town personnel to disconnect such services. All bills, penalties, charges and fees collected as herein above specified shall be paid over to the office of the Kiefer Public Works Authority. Nothing herein shall be construed as preventing the Town from instituting suit for the recovery of any delinquent accounts.
3. The office of the Kiefer Public Works Authority may not accept payment of the one utility service without payment of other utility services charges. Failure to pay any utility bill in accordance with this Code shall be grounds for discontinuing any or all of the utility services furnished to the customer whose bill is delinquent.

SECTION 19-1117 DAMAGING EQUIPMENT.

It is unlawful and an offense for any person to disturb, destroy or injure any utility pipe, hydrant, faucet, pole, meter or other utility equipment erected or placed by or belonging to the Town.

SECTION 19-1118 UTILITY TAPS, FEES, CHARGES OUTLINED.

Any person, firm or corporation being the fee simple land owner of the real property to which the service(s) is to be provided, shall pay all fees and charges as set forth in this Code at the time of the request, for the purpose of the installation of taps for such service(s), if none exists. A base charge as set forth in this Code shall be included in the monthly bill for all accounts, both active and inactive. All accounts determined to be in delinquency shall be processed as set forth in this Code. The authorized agent(s) of the Town, upon direction of the Town Board of Trustees, may then remove the tap(s) installed. Said taps shall not be re-installed until the full amount of any outstanding utility bill is paid, plus all applicable charges and fees associated with installation of taps as set forth in this Code.

CHAPTER 12

PENALTY

Section 19-1201 Penalty.

SECTION 19-1201 PENALTY.

Every person who violates any provision of this Part, or of any Ordinance, Code or standard adopted by this Part, or maintains or permits to continue any situation defined by this Part as unlawful, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in this Code of Ordinances. Every day upon which a violation continues shall be deemed a separate offense.

APPENDICES

1. ELECTRIC FRANCHISE (RESERVED)
2. NATURAL GAS FRANCHISE (RESERVED)
3. CABLE TELEVISION FRANCHISE
4. KIEFER PUBLIC WORKS AUTHORITY
5. PROVISIONS OF SELECTED STATE STATUTES APPLICABLE TO THE TOWN (RESERVED)
6. SCHEDULE OF FEES AND CHARGES (RESERVED)
7. COURT BOND AND FINE SCHEDULE (RESERVED)

APPENDIX 1
ELECTRIC FRANCHISE AGREEMENT

APPENDIX 2
NATURAL GAS FRANCHISE
(RESERVED)

APPENDIX 3

CABLE TELEVISION FRANCHISE

Ordinance 84-5 adopted September 25, 1984, authorizes the Town to grant a non-exclusive franchise to qualified grantees in accordance with the terms and conditions and selection criteria in the Ordinance.

Ord. No. 80-3 (5/13/80) and 80-3A (9/2/80) granted a cable franchise to Green Country Cable Systems, Inc.

APPENDIX 4

KIEFER PUBLIC WORKS AUTHORITY

On the 25th day of May, 1967, pursuant to resolution duly adopted by its Board of Trustees, the Town and the Board of Trustees as the governing body of the Town, hereby accept, for and on behalf of the Town, the beneficial interest in the Trust created by the Declaration of Trust of the Kiefer Public Works Authority, in all respects in accordance with the terms of the Declaration of Trust. (Res., 5/25/67)

(A complete copy of the Declaration of Trust of the Kiefer Public Works Authority is on file in the Town Clerk's Office.)

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APPENDIX 5
PROVISIONS OF SELECTED STATE STATUTES
APPLICABLE TO THE TOWN
(RESERVED)

APPENDIX 6
SCHEDULE OF FEES AND CHARGES

APPENDIX 7
COURT BOND AND FINE SCHEDULEL