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CHAPTER 1

GENERAL AND MISCELLANEOUS PROVISIONS

- Article 1. Rules of Construction.
- Article 2. Miscellaneous Provisions.
- Article 3. Penalty; Judicial Relief.

Article 1. Rules of Construction.

Section 1-1. Rules of Construction.

In the construction of this Code of Ordinances and of all subsequent Ordinances and Resolutions passed by the Board of Trustees of the Town of Burns Flat, Oklahoma, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of said Town Board.

1. Chief of Police or Police Chief. Reference to the “Chief of Police” or the “Police Chief,” shall mean the Chief of Police or the police officer in charge of the police force of the Town of Burns Flat, Oklahoma.
2. City, Town or Municipality. The words the “city,” the “town,” or the “municipality” shall mean the Town of Burns Flat, in Washita County, Oklahoma.
3. City Attorney, Town Attorney, or Municipal Attorney. Reference to the “City Attorney,” the “Town Attorney” or the “Municipal Attorney” shall mean the Town Attorney of the Town of Burns Flat, Oklahoma.
4. City Clerk, Town Clerk or Clerk of the Municipality, City Treasurer, Town Treasurer or Treasurer. Reference to the “City Clerk,” the “Town Clerk” or the “Clerk of the Municipality,” “City Treasurer,” the “Town Treasurer” or the “Treasurer,” shall mean the Town Clerk-Treasurer of the Town of Burns Flat, Oklahoma.
5. City Council, Council, Town Board of Trustees or Town Board. The words “City Council,” “Council,” “Town Board of Trustees,” or “Town Board” shall mean the Governing Body of the Town of Burns Flat, Oklahoma.
6. Code. Reference to “this Code” or “the Code” shall mean the Code of Ordinances of the Town of Burns Flat, Oklahoma.
7. Computation of Time. Whenever notice is required to be given (or an act to be done) a certain length of time before any proceeding shall be had, the day on which such notice is given (or such act is done) shall be included in computing the time, but the day on which such proceeding is to be had, shall be excluded.
8. County. The term “County,” “the County” or “this County” shall mean Washita County, Oklahoma.
9. Court. The word “Court” shall mean the Municipal Court of the Town of Burns Flat, Oklahoma.
10. Gender. A word importing the masculine gender only shall extend, and be applied to, females, firms, partnerships and corporations, as well as to males.
11. Health Officer or Health Department. Whenever reference is made to the “Health Officer” or the “Health Department,” it shall be construed as meaning the County Sanitarian or County Health Department, unless specific reference is made to the appointed Health Officer of the Town of Burns Flat, Oklahoma.
12. Highway. The term “highway” shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the Town of Burns Flat, Oklahoma, dedicated or devoted to public use.
13. Joint Authority. Words purporting to give authority to three (3) or more officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.
14. Judge. The word “Judge” shall mean the Judge of the Municipal Court of the Town of Burns Flat, Oklahoma, including the Acting Judge and/or Alternate Judge thereof, as provided by Oklahoma Statutes and this Code of Ordinances.

15. Judicial District. The term “Judicial District” shall mean the District Court Judicial District of the State of Oklahoma, wherein the sites of government of the Town of Burns Flat, Oklahoma, is situated.
16. May. The word “may” is permissive; the word “shall” is mandatory.
17. Month. The word “month” shall mean a calendar month.
18. Nontechnical and technical words. Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
19. Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular, except where a contrary intention plainly appears.
20. Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; in such cases, the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”
21. Officers, Departments, Etc. Whenever any officer, department, board, commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words “of the Town of Burns Flat, Oklahoma.”
22. Or, And. “Or” may be read “and,” and “and” may be read “or,” if the sense requires it.
23. Owner. The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.
24. Person. The word “person” shall extend, and be applied to, associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals. Whenever used with respect to any penalty, the word “person,” as applied to partnerships or associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.
25. Policeman. Reference to a “policeman” shall mean the Chief of Police or any police officer of the Town of Burns Flat, Oklahoma.
26. Preceding or Following. The words “preceding” or “following” mean next before and next after, respectively.
27. Property. Shall include real and personal property.
28. Roadway. The word “roadway” shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.
29. Sidewalk. The word “sidewalk” shall mean any portion of the street right-of-way between the curb (or lateral line of the roadway) and the adjacent property line, intended for the use of pedestrians.
30. Signatures or Subscription. The word “signature” or “subscription” shall include a mark when a person cannot write.
31. State. The words “State,” “the State” or “this State” shall be construed to mean the State of Oklahoma.
32. Statutory Reference. Reference to the Statutes of the State of Oklahoma means the Statutes as they now are or as they may be amended to be; a reference to the 1991 Statutes also means the comparable provision when included in future codifications or supplement of said Statutes.
33. Street. The term “street” shall include any highway, alley, street, avenue, public place, underpass or overpass in the Town, dedicated or devoted to public use.
34. Tense. Words used in the past or present tense shall include the future, as well as the past and present.
35. Town Administrator. Reference to the “Administrator”, the “City Administrator”, “Administrator of the Town”, the “Town Administrator” shall mean the Town Administrator of the Town of Burns Flat, Oklahoma.

37. Written or In Writing. The term “written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
38. Year. Unless otherwise designated, the word “year” shall mean a calendar year.

Reference: See, generally, 25 O.S. § 1, et seq.

Sections 1-2 through 1-9. (Reserved for future use.)

Article 2. Miscellaneous Provisions.

Section 1-10. Certain Ordinances Not Affected by Code.

Nothing in this Code of Ordinances or the Ordinance adopting this Code shall be construed to repeal, or otherwise affect the validity of, any of the following; and all such Ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein:

1. Ordinances promising or guaranteeing the payment of money for the Town of Burns Flat, Oklahoma, authorizing the issuance of any municipal bonds or any evidence of the municipality’s indebtedness;
2. Appropriation Ordinances, or Ordinances providing for (a) the levy of taxes, (b) an annual budget or (c) prescribing salaries for municipal officers and employees;
3. Ordinances annexing or detaching territory to or from the Town of Burns Flat, Oklahoma;
4. Ordinances approving, authorizing or otherwise relating to, any contract, agreement, lease, deed or other instrument, or granting any franchise;
5. Ordinances authorizing or otherwise relating to specific public improvements;
6. Ordinances vacating, opening or dedicating specific streets and alleys;
7. Ordinances relating to specific street improvements and assessments therefore;
8. Ordinances relating to the grade or alignment of specific streets;
9. Ordinances naming or renaming specific streets;
10. Ordinances granting railroads the right to use specific streets and alleys;
11. Ordinances changing the Zoning District classification of a specific parcel of real property; or
12. Temporary or special Ordinances.

Section 1-11. Enumeration of Provisions.

1. Provisions of State Law which affect the Town of Burns Flat, Oklahoma, because of its general relationship to the State, may not be enumerated herein, but may be adopted by reference as inseparable parts of this Code of Ordinances.
2. Provisions of State Law which prescribe specific actions or laws for the Town of Burns Flat, Oklahoma, and its citizens, may be included in this Code of Ordinances for purposes of clarity.
3. Provisions of State Law in matters of wider public concern which are not enumerated herein, but which affect the Town of Burns Flat, Oklahoma, and its citizens in a general way, may not be enumerated herein, but may nevertheless be made a part of this Code of Ordinances through adoption by reference.
4. All provisions which are of purely local concern shall be specifically enumerated in this Code of Ordinances. The regulations, rules, prohibitions, nuisances, offenses and other provisions which are of purely local concern, as provided by State Law, and

are specifically enumerated herein in detail, shall be enforced by the Town of Burns Flat, Oklahoma; duly authorized officers and agents of said Town shall have all powers, duties and responsibilities necessary to enforce the same.

Section 1-12. Code Does Not Affect Prior Offenses or Rights.

Nothing in this Code of Ordinances or the Ordinance adopting this Code shall affect any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

Section 1-13. Code and Ordinances Effective Outside Town on Property Owned or Controlled by Town.

1. All provisions of this Code of Ordinances and other Ordinances of the Town of Burns Flat, Oklahoma, now in effect or adopted in the future, are hereby extended to all real property belonging to, or under the control of, the Town of Burns Flat, Oklahoma, outside the corporate limits of said Town, and shall be in full force and effect thereon insofar as they are applicable.
2. Any words in any such provision indicating that its effect is limited to the corporate limits of the Town of Burns Flat, Oklahoma, shall be deemed to mean and include also such outlying real property belonging to, or under the control of, said Town, unless the context clearly indicates otherwise.

Section 1-14. Designation and Citation of Code.

The Ordinances embraced in this and all other Chapters and Sections shall constitute and be designated the "Code of Ordinances, Town of Burns Flat, Oklahoma," and may be so cited. Such Code may also be cited as the "Burns Flat, Oklahoma, Town Code" or the "Burns Flat, Oklahoma, Municipal Code."

Section 1-15. Catchlines of Sections.

The catchlines of the Sections of this Code of Ordinances which are underlined, are intended as mere catchwords to indicate the contents of the Sections and shall not be deemed, or taken to be, titles of such Section, as any part of the Sections, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catchlines, are amended or reenacted.

Section 1-16. Severability of Parts of Code.

1. It is hereby declared to be the intention of the Board of Trustees of the Town of Burns Flat, Oklahoma, that the Sections, paragraphs, sentences, clauses and phrases of this Code of Ordinances are severable and if any phrase, clause, sentence, paragraph or Section of said Code shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of said Code, since the same would have been enacted by the Town Board of Trustees without the incorporation in this Code of any such invalid phrase, clause, sentence, paragraph or Section.
2. Further, if any word, phrase, clause, sentence, paragraph or Section of this Code of Ordinances shall seem invalid through printing or typographical error, such error or misprint shall not serve to misconstrue or invalidate the intent thereof, nor affect in any way the intent or validity of any or all other words, phrases, clauses, sentences, paragraphs or Sections of this Code.

Section 1-17. Effect of Repeal of Ordinances.

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

Sections 1-18 through 1-19. (Reserved for future use.)

Article 3. Penalty; Judicial Relief.

Section 1-20. General Penalty for Violations.

1. Whenever, in this Code of Ordinances or in any Ordinance of the Town of Burns Flat, Oklahoma, an act is prohibited, is made

or declared to be unlawful, an offense or misdemeanor, or wherever in said Code or Ordinance the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Code of Ordinances or of any such Ordinance shall be punished in accordance with the appropriate following provisions: a. If the Judge of the Municipal Court is not a licensed attorney, the trial shall be to the Court, and Court shall not impose a fine which exceeds fifty dollars (\$50.00), plus costs and may not order the defendant imprisoned, except for the nonpayment of fines or costs; b. If the Judge is a licensed attorney, the Court may impose a fine not to exceed two hundred dollars (\$200.00) for offenses related to speeding and parking, all other fines shall not exceed seven hundred fifty dollars (\$750.00), or impose imprisonment not exceeding sixty (60) days, or impose both fine and imprisonment. The Court may, in lieu of imprisonment, order a term of community service without compensation. Further, the Court may enforce the payment of fines and/or costs by compelling work on streets, alleys, avenues, areas and public grounds of the Town of Burns Flat, subject to the direction of the appropriate officer of the Town at the rate of minimum wage per hour for useful labor, until the fines or costs are satisfied; c. All penalties will be established in the Town of Burns Flat fine and fee schedule.

Reference: 11 O.S. § 14-111, 27-119.

2. Each day on which any violation of this Code or of any Ordinance shall continue shall constitute a separate offense and shall be punishable as such.

Section 1-21. Judicial Relief.

No penalty imposed by, and pursuant to, this Code of Ordinances, shall interfere with the right of the Town of Burns Flat, Oklahoma, also to apply to the proper courts of the State of Oklahoma for a mandamus, an injunction or other appropriate action.

CHAPTER 2

ADMINISTRATION AND MANAGEMENT

Article 1.	Incorporation; Form of Government; Powers.
Article 2.	Town Board of Trustees.
Article 3.	Municipal Officers and Employees.
Article 4.	Financial and Business Procedures.
Article 5.	Sales Tax.
Article 6.	Use Tax.
Article 7.	Firemen's Pensions.
Article 8.	Social Security and Employees Benefits Plan and Retirement System.
Article 9.	Cable Television.
Article 10.	Gross Receipts Tax.
Article 11.	Telephone Inspection Fee.
Article 12.	Miscellaneous Provisions.

Article 1. Incorporation; Form of Government; Powers.

Section 2-1. Incorporation.

The Town of Burns Flat, Oklahoma, within the corporate limits as now established or as hereafter may be established, shall continue to be a municipal body politic and corporate in perpetuity under the name of the "Town of Burns Flat, Oklahoma." It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the Town of Burns Flat, Oklahoma, and shall be liable for all debts and other obligations for which the corporation is now legally bound.

Reference: 11 O.S. § 2-101 et seq.

Section 2-2. Form of Government.

The municipal government provided for the Town of Burns Flat, Oklahoma, shall be the "Town Board of Trustees" form of government. All powers of the municipality shall be exercised in the manner prescribed by this Code of Ordinances, future Ordinances or State Law; provided that this Code and all future Ordinances are not repugnant to the State Constitution and Laws.

Reference: 11 O.S. § 12-101 et seq.

Section 2-3. General Powers of the Municipality.

1. The Town of Burns Flat, Oklahoma, shall have all the powers, functions, rights, privileges, franchises and immunities specifically granted to municipalities, or not prohibited by the State Constitution and Laws, and all the implied powers necessary to carry into execution all the powers granted.
2. The Town of Burns Flat, Oklahoma, shall have the power to adopt a corporate seal and alter the same, to sue and be sued, to make contracts and to grant, extend and renew franchises. It shall have the power to issue bonds in accordance with the State Constitution and Laws. It shall have the power, in accordance with the State Constitution and Laws, to accept and administer Federal and State grants-in-aid. It shall have the power to ordain and enforce local legislation, consistent with the State Constitution and Laws, for the proper organization and functioning of municipal government, for the preservation and enforcement of good government and order, for the protection of health, life, peace, safety, morals and property, for the promotion of the common welfare.
3. The enumeration of particular powers of this Code of Ordinances shall not be deemed to be exclusive or limiting. In addition to the powers enumerated herein or implied hereby, the Town of Burns Flat, Oklahoma, shall have all powers which, under the State Constitution and Laws, it would be competent for this Code of Ordinances specifically to enumerate.

Reference: 11 O.S. § 22-101 et seq.

Sections 2-4 through 2-9. (Reserved for future use.)

Article 2. Town Board of Trustees.

Section 2-10. Election and Terms of Trustees and Officers.

1. The Town Board of Trustees shall consist and be composed of, five (5) trustees. Each trustee shall be elected by the Town at large, according to current State Law.

Reference: 11 O.S. § 12-103.1.

2. At the general election on the 1st Tuesday in April, 2015, the Trustees for seats one (1), three (3) and five (5) shall be elected for terms of four (4) years; at the general election on the 1st Tuesday in April, 2017, the Trustees from seats two (2) and four (4) shall be elected for terms of four (4) years.

Reference: 11 O.S. § 8-102.

3. All Trustees shall be elected for terms of four (4) years.

Reference: 11 O.S. § 8-102.

Section 2-11. Powers of the Town Board of Trustees.

Except as otherwise provided in this Code of Ordinances, all powers of the municipality, including the determination of matters of policy, shall be vested in the Town Board of Trustees; said Town Board shall have, and may utilize, all of the powers granted to the municipality and said Town Board by the State Constitution and Laws.

Reference: 11 O.S. § 12-106.

Section 2-12. Compensation of the Town Board of Trustees; Clerk-Treasurer.

Compensation of the Town Board of Trustees and other elected officials shall be fixed by Ordinance. (See Section 2-184 this Code.)

Section 2-13. Municipal Policy and Business.

1. The Town Board of Trustees of Burns Flat, Oklahoma, shall conduct all business of the municipality, set policy for the efficient administration of municipal government, administratively supervise all activities of municipal employees and carry out their responsibilities, powers and duties as officers and as a corporate and politic body, within the limits prescribed by the State Constitution and Laws and the Code of Ordinances of the Town of Burns Flat, Oklahoma.

Reference: 11 O.S. § 22-104.

2. It shall be the policy of the municipal government that no person shall be discriminated against on the grounds of race, creed, color, sex, religion, national origin or age in employment or other activities sponsored directly or indirectly by the Town of Burns Flat, Oklahoma.

Reference: 25 O.S. § 1302.

3. Every member of the Town Board of Trustees who shall be present when the opportunity or need arises to vote upon a question, shall vote thereon, unless excused by the unanimous consent of those Town Board members present, or unless he is directly or indirectly interested in the question, in which event he shall disclose his interest to the Town Board and it shall be made a matter of record.

Reference: 11 O.S. § 8-113. See, generally, 21 O.S. § 344, 355.

Section 2-14. Town Board Meetings.

1. 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 first Monday of each month, or the next following day which is not a holiday, after the first (1st) Saturday beginning at 6:00 p.m. An agenda for each regularly scheduled meeting shall be prepared and publicly posted in the Town Hall (or other agreed upon place open to the public). The agenda shall contain sufficient information in order to explain generally the items to be discussed at the meeting. At a minimum, the following items shall appear on the agenda:

- a. Call to Order
- b. Reading of the Minutes
- c. Clerk-Treasurer Report
- d. Old Business
- e. New Business
- f. Public Participation
- g. Adjournment

Reference: 25 O.S. § 304.1 et seq.

2. The Town Clerk-Treasurer shall prepare a schedule of all meetings prior to each calendar year and shall post this schedule in the Town Hall prior to December 15 preceding the calendar year for which the schedule has been determined.

Reference: 25 O.S. § 311.1.

3. If any change in the date, time, or place of a regularly scheduled meeting is made, notice of the change shall be given to the Town Clerk-Treasurer no less than ten (10) days prior to the implementation of such change, and the Clerk-Treasurer shall publicly post a notice of the change.

Reference: 25 O.S. § 311.8.

4. In all meetings of the Burns Flat Town Board of Trustees, the vote of each member must be publicly cast and recorded.

Reference: 25 O.S. § 305.

5. No informal gatherings or any electronic or telephonic communications among a majority of the Trustees shall be used to decide any action or to take any vote on any matter.

Reference: 25 O.S. § 306.

6. Executive sessions of the Burns Flat Town Board of Trustees will be permitted only for the purpose of discussing the employment, hiring, appointment, promotion, demotion, discipline or resignation of any individual salaried public officer or employee, discussing negotiations concerning employees and representatives of employee groups, discussing the purchase or appraisal of real property, confidential communications between the Town of Burns Flat and its attorney concerning a pending investigation, claim, or action if the Town of Burns Flat, with the advice of its attorney, determines that disclosure will seriously impair the ability of the Town of Burns Flat to process the claim or conduct a pending investigation, litigation or proceeding in the public interest or any other matter which is permitted in the Oklahoma Open Meeting Act. Any vote or action on any matter discussed in executive session must be taken in public meeting with the vote of each member publicly cast and recorded. No executive session of the Burns Flat Town Board of Trustees shall occur except on a vote by a majority of a quorum of the members present.

7. Special or emergency Town Board meetings may be called by the Mayor, or by a majority of the Trustees, in accordance with the following provisions:

Reference: 35 O.S. § 307.

- a. Special meetings shall not be held without public notice being given at least forty-eight (48) hours prior to said meeting. Such public notice of the date, time and place of a special meeting shall be given in writing, in person, or by telephonic or electronic means to the Town Clerk-Treasurer.

Reference: 25 O.S. § 311.11.

- b. At least twenty-four (24) hours prior to the special meeting, a written public notice of the special meeting shall be prominently posted in the Town Hall. Such notice shall include the date, time, place, and agenda for the special meeting, and only items appearing on the agenda shall be considered at the meeting. The twenty-four (24) hours public posting shall exclude Saturdays, Sundays, and holidays legally declared by the State of Oklahoma.

Reference: 25 O.S. § 311.11.

8. In the event of an emergency, an emergency meeting of the Burns Flat Town Board of Trustees may be held without public notice. Should an emergency meeting be required, as much advance public notice as is reasonable and possible under the circumstances shall be made in person or by telephonic or electronic means.

Reference: 25 O.S. § 311.12.

Section 2-15. Removal of Trustees; Vacancies.

1. The Mayor or any Trustee may be removed from office for any cause specified by applicable State Law for the removal of officers, including Title 22, Oklahoma Statutes, 1981, Sections 1181, et seq., as amended

Reference: See also, 11 O.S. § 8-107.

2. Whenever a member of the Town Board of Trustees is absent from more than one-half (1/2) of all meetings of said Town Board (regular and special) held within a period of four (4) consecutive months, he shall thereupon automatically cease to hold office.

Reference: 11 O.S. § 8-108.

3. Except for mayor, vacancies in the membership of the Town Board of Trustees shall be filled by appointment by a majority vote of the remaining members of the Town Board. The appointment shall expire at the next general election, when a successor is elected and qualified. Such successor shall serve the balance of any unexpired term. If a vacancy has not been filled by appointment within sixty (60) days after it occurs, the Town Board shall call for a special election, unless such vacancy occurs within one hundred twenty (120) days of a general election.

Reference: 11 O.S. § 8-109.

Section 2-16. Supervisory Designation of Trustees.

1. The Town Board of Trustees may appoint its own members to supervisory positions over designated personnel, departments and/or activities of the municipality.
2. Such Trustees may be given an appropriate title and shall be, in effect, a committee of one (1) of the Town Board of Trustees, and be subordinate to said Town Board.
3. A member of the Town Board shall not receive compensation for any municipal office or position other than his elected office.

Reference: 11 O.S. § 8-106.

Sections 2-17 through 1-24. (Reserved for future use.)

Article 3. Municipal Officers and Employees.

Section 2-25. Mayor; Acting Mayor.

1. 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 first Town Board meeting held after the Trustees' terms begin, or as soon thereafter as practicable.

2. 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.
3. The Mayor shall preside at all meetings of the Town Board of Trustees and may call special meetings thereof.
4. 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, may vote on all matters that come before the Town Board of Trustees.
5. The Mayor shall be recognized as the head of the municipal government for all ceremonial purposes.
6. During the absence, disability or suspension of the Mayor, the Town Board of Trustees shall elect an Acting Mayor from among its members.
7. The Mayor shall perform all other duties prescribed by State Law or Ordinance.

Reference: 11 O.S. § 12-104, 12-105.

Section 2-26. Town Administrator.

1. There is hereby created the position of Town Administrator for the Town of Burns Flat, Oklahoma. The Town Administrator shall be appointed by the Town Board of Trustees. His term shall be until his services are terminated by death, resignation, removal by the Town Board of Trustees or by other legal manner. At the time of his appointment he need not be a resident of the town or the state. No board member shall receive such appointment during the term for which he/she shall have been elected or within only two (2) years after the expiration of his term.
2. The salary of the Town Administrator shall be fixed by ordinance of the Town Board of Trustees.
3. The Town Board of Trustees may remove the Town Administrator at any time by a majority vote of its members. If requested, the Board of Trustees shall grant him a public hearing within thirty (30) days following notice of removal. During the interim the Board of Trustees may suspend and, if the removal becomes final, shall pay his salary and compensation for six (6) calendar months following the final removal date.
4. The Town Administrator shall be the chief administrative officer of the town. He may head one or more departments and shall be responsible to the Board of Trustees for the proper administration of all affairs of the town. To that end, he shall have power and shall be required to:
 - a. Recommend appointments and, when necessary for the good of the service, recommend suspension or removal of all officers and employees of the town except as otherwise provided by law.
 - b. Prepare the budget annually and submit it to the Board of Trustees together with a message describing the important features and be responsible for its administration after adoption.
 - c. Prepare and submit to the Board of Trustees as of the end of the fiscal year a complete record on the finances and administrative activities of the town for the proceeding year.
 - d. Keep the Board of Trustees advised of the financial condition and future needs of the town, and make such recommendations as he may deem desirable.
 - e. Recommend to the Board of Trustees a standard schedule of pay for each appointive office and position in the town service, including minimum, intermediate, and maximum rates.
 - f. Recommend to the Board of Trustees (from time to time) adoption of such measures as he may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.
 - g. Attend all meetings of the Board of Trustees unless excused therefrom and take part in the discussion of all matters coming before the board. He shall be entitled to notice of all regular and special meetings of the board.

- h. Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget. The administrator organization as the Board of Trustees shall approve.
 - i. See that all laws and ordinances are duly enforced.
 - j. Investigate the affairs of the town or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the town, and in regard to service maintained by the public utilities in the town, and see that all franchises, permits, and privileges granted by the town are faithfully observed.
 - k. Devote his entire time to the discharge of his official duties.
 - l. Perform such other duties as may be required by the Board of Trustees, not inconsistent with the town ordinances or law.
5. Any vacancy in the office of the Town Administrator shall be filled by the Town Board of Trustees.

Section 2-27. Town Clerk-Treasurer.

1. The Town Clerk-Treasurer shall be an officer of the Town of Burns Flat, Oklahoma, and shall attend all meetings of the Town Board of Trustees.
2. The Town Clerk-Treasurer shall:
 - a. Keep the journal of the proceedings of the Board of Trustees; and
 - b. Enroll all ordinances and resolutions passed by the Board of Trustees in a book or set of books kept for that purpose; and
 - c. Have custody of documents, records, and archives, as may be provided for by law or by ordinance, and have custody of the town seal; and
 - d. Attest and affix the seal of the town to documents as required by law or by ordinance; and
 - e. Insofar as it is compatible with public business, it is made the duty of the Town Clerk-Treasurer to designate banks as depositories and divide the uninvested funds of said town among said banks. It is, however, provided that all funds so deposited must bear interest at the usual rate paid by said bank for similar deposits; and
 - f. Maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any monies have been paid; and
 - g. Deposit daily funds received for the town in depositories as the board of trustees may designate; and
 - h. Certify for each encumbrance that the amount of said encumbrance has been entered against the designated appropriation accounts and that the encumbrance is within the authorized available balance of said appropriation; and
 - i. Have such other powers, duties, and functions related to his statutory duties as may be prescribed by law or by ordinance. The person who serves as Town Clerk-Treasurer may be employed by the town to perform duties not related to his position as Town Clerk-Treasurer. The salary, if any, for said duties shall be provided for separately by board action.
3. The books and accounts of the Town Clerk-Treasurer shall be subject at all times to examination by the board of trustees.

Reference: 11 O.S. § 12-109, 12-110.

Section 2-28. Consolidation of Town Offices.

The Town Board may combine, merge, or consolidate by Ordinance any of the various offices of Town government as it deems necessary and convenient for the administration of the Town government. Such Ordinance must be enacted at least thirty (30) days prior to the date of the next municipal primary election. Any consolidation of elected town offices shall go into effect at

the end of the term of the office to be consolidated or when a vacancy occurs.

Reference: 11 O.S. § 12-112.

Section 2-29. Police Department; Chief of Police.

1. There is hereby created a Police Department for the Town of Burns Flat, Oklahoma, the head of which shall be the Chief of Police. The Chief of Police shall be appointed by the Town Board of Trustees.

Reference: 11 O.S. § 12-111.

2. One (1) or more Police Officers may be appointed by the Chief of Police, subject to approval and confirmation by the Town Board of Trustees.

Reference: 11 O.S. § 12-111, 12-114.

3. The Chief of Police and municipal police officers shall possess the powers and be subject to the liabilities conferred by law in executing the orders of the Trustees and enforcing the Code of Ordinances of the Town of Burns Flat, Oklahoma.

Reference: 11 O.S. § 12-111. See also, 22 O.S., § 91 et seq.

4. It shall be the duty of the Chief of Police and/or all municipal 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 and/or municipal police officers shall serve all warrants, writs, executions and other process, properly directed and delivered to him/them.

Reference: 11 O.S. § 34-101 et seq., 12-111.

5. The Chief of Police and each municipal police officer shall be paid such compensation as the Town Board of Trustees by motion may prescribe.

6. All personal property other than money or legal tender of the United States coming in any manner into the possession of any municipal police officer, which is not known to belong to some person or has not been claimed, shall be delivered into the charge of the Chief of Police, who shall retain such property in custody for a period of six (6) months. The Chief of Police 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 it was found), and may sell such property for cash to the highest bidder provided that the property is no longer needed to be held as evidence or for any other purpose connected with any litigation. The Chief of Police shall record the subsequent disposal thereof, the date of sale, name and address of the purchaser and the amount for which it was sold.

Reference: 11 O.S. § 34-104.

7. The Chief of Police shall file an application in the district court to enter an order authorizing him to transfer the proceeds of the sale or the money or legal tender to the Town Clerk-Treasurer for deposit in the municipal general fund. The application shall describe the proceeds, any serial numbers, the date the proceeds came into his possession, and the name of the owner and his address, if known. The failure of anyone to appear to prove ownership to said proceeds shall result in a court order to deposit the proceeds in the municipal general fund, whereupon the chief of police shall transfer the proceeds to the Town Clerk-Treasurer for deposit.

Reference: 11 O.S. § 34-104.

8. The sale of personal property, money, or legal tender having a fair market value of more than its face value requires prior authority from the district court.

Reference: 11 O.S. § 34-104. B.

9. The provisions of this Section shall not apply to any dangerous or deadly weapons, narcotics or poisonous drugs, explosives or any property of any kind or character, which the possession of is prohibited by law. By order of the trial court, any such property filed as an exhibit or held by the municipality shall be sold or disposed of pursuant to the conditions prescribed in such order.

Reference: 11 O.S. § 34-104. F.

10. If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount deposited into the municipal general fund shall be returned to the purchaser, upon verified claim being submitted and approved by the Town Board of Trustees.
11. The Chief of Police, or his designated representative, is authorized to direct that any regularly employed police officer of the Town of Burns Flat, Oklahoma, may provide law enforcement assistance to another municipality in an emergency; provided that a request from an official representative of the other municipality has been received by the Town of Burns Flat, Oklahoma. The Chief of Police shall report to the Mayor within twenty-four (24) hours of each such occurrence. The Town of Burns Flat, Oklahoma, shall provide salaries, insurance and other regular benefits to these officers.

Reference: 11 O.S. § 34-103.

12. The Mayor, or in his absence, the Chief of Police of the Town of Burns Flat, Oklahoma, is authorized to request law enforcement assistance from other municipalities in emergency situations. In such cases, the assisting officers of the other municipalities shall have the same powers and duties as though employed by the Town of Burns Flat, Oklahoma; however, salaries, insurance and other benefits shall not be paid by the Town of Burns Flat, Oklahoma.

Reference: 11 O.S. § 34-103.

13. In all events, the police officers of the Town of Burns Flat, Oklahoma, shall return to their regular duties when directed to do so by the Burns Flat Police Chief or the Police Chief of the requesting municipality, whichever direction occurs first.
14. When the Burns Flat Police Chief directs the assisting police officers of the other municipalities to return to their own regularly scheduled duties in their own municipalities, those assisting police officers shall cease to have the powers and duties of police officers regularly employed by the Town of Burns Flat, Oklahoma.
15. The Chief of Police and each police officer shall perform all other duties prescribed by law or Ordinance.

Reference: 11 O.S. § 34-101. A.

Section 2-30. Municipal Judge; Alternate Judge and Acting Judges.

1. The number of Judges shall be determined by the Town Board of Trustees. Each Judge shall be appointed by the Mayor with the consent of the Town Board.

Reference: 11 O.S. § 27-104.

2. The Mayor, with the consent of the Town Board, may appoint as Judge:
 - a. An attorney licensed to practice law in Oklahoma; or
 - b. Any suitable person residing in the Town of Burns Flat or within twenty (20) miles of the boundaries of the Town of Burns Flat.

Reference: 11 O.S. § 27-104.

3. The Mayor may be designated as judge of the municipal court upon approval of the Town Board of Trustees.

Reference: 11 O.S. § 27-104.

4. If the Judge of the municipal court is not a licensed attorney, the trial shall be to the court, and the court may not impose a fine of more than fifty dollars (\$50.00) and may not order the defendant imprisoned except for the nonpayment of fines or costs or

both.

Reference: 11 O.S. § 14-111, 27-119.

5. The official term of the Municipal Judge shall be two (2) years, running concurrent with Town Board elections, or until his services are terminated by death, resignation or removal by the Town Board of Trustees for such cause as is provided for by law for the removal of Police Officers.

Reference: See, generally, 11 O.S. § 27-104.

6. The Judge of the Municipal Court shall receive a salary as prescribed by the Town Board of Trustees, paid in the same manner as the salaries of other municipal employees.

Reference: 11 O.S. § 27-104.

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

Reference: 11 O.S. § 27-113, 27-114.

8. The Mayor, with the consent of the Town Board, may appoint an Alternate Judge of the Municipal Court, possessed of the same qualifications as the Municipal Judge. His appointment shall be for the same term and made in the same manner as the Municipal Judge. He shall sit as Acting Judge of the Municipal Court if the Municipal Judge is absent from the Court or is unable to act as Municipal Judge in a case.

Reference: 11 O.S. § 27-106.

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

Reference: 11 O.S. § 27-106.

10. An Alternate Judge or an Acting Judge shall be paid, as prescribed by the Town Board of Trustees by Ordinance, for each day devoted to the performance of his duties, except that, for any month, the total payments so calculated shall not exceed the salary of the Municipal Judge in whose stead he sits. An Alternate or Acting Judge who sits for an entire month shall receive the amount specified by the Town Board of Trustees as the salary of the Municipal Judge in whose stead he sits.

Reference: 11 O.S. § 27-104, 27-106.

11. Judges may be removed for cause by majority vote of all the members of the Town Board.

Reference: 11 O.S. § 12-114, 22-1181.

12. A vacancy in the Office of Municipal Judge shall occur if the incumbent dies, resigns, ceases to possess the qualifications for the office or is removed. Upon the occurrence of a vacancy in the Office of Municipal Judge, the Mayor, with the consent of the Town Board, shall appoint a successor to complete the unexpired term.

Reference: 11 O.S. § 27-107.

Section 2-31. Town Attorney.

1. The Town Attorney may be appointed by the Town Board of Trustees on a contractual basis.
2. The Town Attorney shall be the prosecuting officer of the municipal court and shall have the power to prosecute for violations of ordinances and to prosecute and resist appeals and proceedings in error and review.

3. The Town Attorney shall perform such other duties as the Town Board of Trustees may require; provided that, such duties are included within the scope of the contractual arrangement.

Reference: 11 O.S. § 27-108.

Section 2-32. Fire Chief.

1. There is hereby created the Office of Chief of the Fire Department. The Chief shall be appointed for an indefinite term by the Town Board of Trustees. His services may be terminated by death, resignation, or removal by said Town Board. (See Chapter 8, this Code.)
2. The Chief shall be head of the department, subject to the laws of the State of Oklahoma, Ordinances of this Town, and the rules and regulations herein adopted. The Chief, subject to the supervision and control of the governing body, may contract to supply fire protection to owners of individual properties and shall establish, maintain, and administer an enterprise fund to finance costs for the operation of the fire department, consistent with state laws and this Ordinance. (See Chapter 8 and Article 4 to Chapter 2.)

Reference: 11 O.S. § 17-206, 17-207, 17-212, 29-106.

Section 2-33. Assistant Fire Chief; Other Officers; New Members.

1. 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 Fire Chief shall command the fire department and be held responsible therefore in all respects, with the full powers and responsibilities of the Fire Chief. (See Chapter 8, this Code.)
2. The officers of the fire department shall be selected upon their ability to lead men and their knowledge of firefighting and firefighting equipment.
3. One (1) member elected by the members of the fire department shall be Secretary/Treasurer. His 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.
4. All new members shall be on probation for one (1) year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the fire department.

Reference: 11 O.S. § 29-204.

Section 2-34. Building Inspector.

1. There is hereby created the Office of the Building Inspector for the Town of Burns Flat, Oklahoma. The Building Inspector shall be appointed by the Town Board of Trustees. The Town Board of Trustees may contract for building inspection services with another municipality or intergovernmental agency.
2. The Building Inspector shall be in good health and shall be physically capable of performing the duties of his office.
3. The powers and duties of the Building Inspector shall be as set forth in Section 4-6 of this Code.
4. During the temporary absence or disability of the Building Inspector, the Town Board of Trustees may designate an Acting Building Inspector.
5. The Building Inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises for the purpose of inspection for compliance with the conditions of the building permit.
6. The Building Inspector may also serve as the Electrical or Plumbing Inspector, if so designated by the Town Board of Trustees.

Reference: 11 O.S. § 12-106, 12-112.

Section 2-35. Electrical Inspector.

1. There is hereby created the Office of Electrical Inspector for the Town of Burns Flat, Oklahoma. The Electrical Inspector shall be appointed by the Town Board of Trustees.
2. The Electrical Inspector shall have had experience as an electrician, shall be of good moral character and shall be either licensed by the State or certified by BOCA. The Electrical Inspector may hold other positions in the municipal government.
3. The Electrical Inspector shall have all of the powers and duties prescribed by the Electrical Code adopted by this Code of Ordinances; he shall also insure that all municipal Ordinances and regulations relating to electrical safety are properly enforced. (See Chapter 5, this Code.)

Reference: 59 O.S. § 1693.

Section 2-36. Plumbing Inspector.

1. There is hereby created the Office of Plumbing Inspector for the Town of Burns Flat, Oklahoma.
2. The Plumbing inspector shall be appointed by the Town Board of Trustee; the Plumbing Inspector may also hold other positions in the municipal government.
3. The Plumbing Inspector shall have all of the powers and duties prescribed by the Plumbing Code adopted by this Code of Ordinances; he shall also ensure that all municipal Ordinances and regulations relating to water and sanitary plumbing are properly enforced. (See Chapter 5, this Code.)

Reference: 59 O.S. § 1016.

Section 2-37. (Reserved for future use.)

Section 2-38. Civil Defense Director.

1. The Office of Civil Defense is hereby created, to be appointed by the Town Board of Trustees. (See Chapter 8, this Code.)
2. The Civil Defense Director shall be executive head of the Department of Civil Defense and shall be responsible for carrying out the Civil Defense Program of the Town of Burns Flat, Oklahoma.
3. The Director of Civil Defense shall have the authority, duty and responsibility to:
 - a. Form an organization to prepare and implement a Civil Defense Program;
 - b. Form committees to perfect such an organization;
 - c. Appoint the chairman of such committees;
 - d. Cooperate with other governmental civil defense agencies; and
 - e. Formulate plans, gather information and maintain records for said Civil Defense Organization.
4. The Director of Civil Defense may be reimbursed for expenses incurred in the performance of his duties; provided such expenses are at the direction of and approved by the Town Board of Trustees.
5. In the event of an enemy-caused emergency or emergency resulting from natural causes, the Civil Defense Director, after authorization from the Mayor, shall have the authority to enforce all regulations relating to civil defense, for the purpose of protecting the residents of the Town of Burns Flat, Oklahoma.

Reference: 63 O.S. § 683.11.

Sections 2-39 through 2-49. (Reserved for future use.)

Article 4. Financial and Business Procedures.

Section 2-50. Purchasing and Sales Procedures.

1. The Town Board of Trustees, by a vote of a majority of its members, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials, equipment and contractual services for the operation of the municipal government. Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding, under such regulations and with such exceptions as said Town Board may prescribe, shall be given.

Reference: 11 O.S. § 17-102.

2. "Contractual services," for the purpose of this Article, shall include any type of personal or professional service, employment or undertaking, including such services as utilities, pest control, maintenance and repairs, except services performed by municipal officials or persons employed by the municipality.

Reference: 74 O.S. § 85.2.

3. The Mayor or other Town official designated by the Town Board of Trustees as a purchasing officer may contract for and purchase, or issue purchase authorization for, supplies, materials, equipment, or contractual services which do not exceed twelve thousand-five hundred dollars (\$12,500.00) in a single transaction without prior approval of a majority of the Board of Trustees.

Reference: See, e.g., 62 O.S. § 310.1.

4. Subject to the provisions of this Section, surplus or obsolete supplies, materials or equipment belonging to the Town may be sold pursuant to a vote carrying a majority of the Town Board of Trustees. No sale shall be made under this Section until the Town Board of Trustees has declared the supplies, materials or equipment involved to be surplus or obsolete. Except as may otherwise be provided, the Town Board of Trustees shall advertise any sale under this Section in a newspaper of general circulation in the Town or County, or in such other manner as deemed necessary to adequately reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and opened in public at a designated time and place, except when the sale is by auction. The Town Board of Trustees shall sell such supplies, materials and equipment to the highest responsible bidder and, if necessary, shall cast lots in case of a tie to determine to whom to sell. The Town Board of Trustees may sell surplus or obsolete supplies, materials or equipment, the total value of which does not exceed ten thousand dollars (\$10,000.00) in a single transaction, so long as the valuation and payment amount is of fair market value, without giving an opportunity for competitive bidding.
5. No member of the Town Board of Trustees or Town personnel may sell, or furnish for a consideration, any materials or supplies for use by the Town; and any member of the Town Board voting for, or consenting to, such contract or purchase is personally liable for any obligation in violation of this Ordinance.

Reference: 11 O.S. § 17-211; see also, 12 O.S. § 371; 21 O.S. § 344; 62 O.S. § 355, 357.

Section 2-51. Competitive Bidding.

All purchases or contracts of the Town of Burns Flat, Oklahoma shall be in accordance with the Public Competitive Bidding Act of 1974, and other appropriate State Laws.

Reference: 610.S. § 101 et seq.

Section 2-52. Insurance.

1. The Town of Burns Flat and its employees acting within the scope of their employment shall be liable for loss resulting from their torts subject to the limitations and exceptions set forth in the Governmental Tort Claims Act (51 O.S. § 151 et seq.). The total liability of the Town arising out of an accident or occurrence shall not exceed:
 - a. Twenty-five thousand dollars (\$25,000.00) for any claim or to any claimant who has more than one claim for loss of property arising out of a single accident or occurrence;

- b. One hundred twenty five thousand dollars (\$125,000.00) to any claimant for his claim for any other loss arising out of a single accident or occurrence;
 - c. One million dollars (\$1,000,000.00) for any number of claims arising out of a single occurrence or accident.
2. The Town Board of Trustees is hereby directed to procure liability insurance to the limits of liability provided in paragraph 1 above.

Reference: 11 O.S. § 23-101, 23-102; 51 O.S. § 153, 155.

Section 2-53. Law Enforcement Officers Training Reimbursement.

1. Any person convicted of a crime punishable by a fine of ten dollars (\$10.00) or more or by incarceration, excluding parking and standing violations, or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay nine dollars (\$9.00) as a separate penalty assessment, which shall be in addition to any fines and penalties provided for by law.
2. The court clerk shall forward such separate penalty assessments to the State Treasury after deducting the statutory fees for administrative handling. Said deposits shall be due monthly each calendar year.

Reference: 20 O.S. § 1313.

Sections 2-54 through 2-59. (Reserved for future use.)

Article 5. Sales Tax.

Section 2-60. Citation.

This Article shall be known and may be cited as the “Burns Flat Sales Tax Ordinance.”

Reference: 68 O.S. § 1352.

Section 2-61. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, as amended, are hereby adopted and incorporated by reference into this Ordinance.

Reference: 68 O.S. § 1351 et seq.

Section 2-62. Tax Collector Defined.

The term “tax collector” as used herein means the department of the municipal government or the official agency of the State duly designated according to law, or contract authorized by law, to administer the collection of the tax herein levied.

Reference: 68 O.S. § 1351 et seq.

Section 2-63. Classification of Taxpayers.

For the purpose of this Article, the classification of taxpayers hereunder shall be as prescribed by the Oklahoma Sales Tax Code.

Reference: 68 O.S. § 1350.

Section 2-64. Effective Date.

This Ordinance shall become and be effective on and after September 10, 1985, subject to approval by a majority of the registered voters of the Town of Burns Flat, Oklahoma voting on the same at a general or special municipal election.

Reference: 68 O.S. § 2705.

Section 2-65. Purpose of Revenues.

It is hereby declared to be the purpose of this Sales Tax Ordinance to provide revenues for the support of the functions of municipal government of the Town of Burns Flat, Oklahoma.

Reference: 68 O.S. § 2701.

Section 2-66. Tax Rate; Sales Subject to Tax.

There is hereby levied upon all sales, not otherwise exempted in the Oklahoma Sales Tax Code, a municipal excise tax of four percent (4%) of the gross receipts or gross proceeds from the sale of the following:

1. Tangible personal property;
2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service, except water and those specifically exempt;
3. Transportation for hire 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 or 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 any service of printing or over-printing, including the copying of information by mimeograph or multigraph or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information on magnetic tapes furnished by customers;
6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house, or tourist camp;
7. Foods, 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;
8. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this chapter;
9. Dues or fees to clubs including free or complimentary dues or fees which shall have the value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;
10. Sales of tickets, fees or other charges made for admission to or voluntary contributions made to places of amusement, sports, entertainment, exhibition, display or other recreational events or activities, including free or complimentary admissions which shall have the value equivalent to the charge that would have otherwise been made;
11. Charges made for the privilege of using items for amusement, sports, entertainment, exhibition, display, or recreational events or activities;
12. The rental of equipment for amusement, sports, entertainment or activities, such as bowling shoes, skates, golf carts or other sports and athletic equipment;
13. The gross receipts from sales from any vending machine, without any deduction for rental to locate the vending machine on the premises of a person who is not the owner of any other deductions there from;

14. The gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. Provided if the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;
15. Any licensing agreement, rental, lease, or other device or instrument whereby rights to possess or exhibit motion pictures or filmed performances or rights to receive images, pictures, or performances for telecast by any method are transferred. Persons regularly engaged in the business of exhibiting motion pictures for which the sale of tickets or admissions is taxed pursuant to the provisions of this section shall not be deemed to be consumers or users in respect to the licensing or exhibiting of copyrighted motion picture features, shorts, cartoons, and scenes from copyrighted features, and the sale or licensing of such films shall not be considered a sale within the purview of the Oklahoma Sales Tax Code;
16. Flowers, plants, shrubs, trees, and other floral items, whether or not produced by the vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in another state. Provided, all orders taken outside this state for delivery within this state shall not be subject to the tax levied by this chapter;
17. Any taxable services and tangible personal property including materials, supplies, and equipment sold to contractors for the purpose of developing and improving real estate even though said real estate is intended for resale as real property, hereby declared to be sales to consumers or users;
18. Any taxable services and tangible personal property sold to persons, peddlers, solicitors or other salesmen, for resale where there is likelihood that this state will lose tax revenue due to the difficulty of enforcing this chapter because of:
 - a. the operation of the business;
 - b. the nature of the business;
 - c. the turnover of independent contractors;
 - d. the lack of place of business in which to display a permit to keep records;
 - e. lack of adequate records;
 - f. the persons are minors or transients;
 - g. the persons are engaged in service businesses; or
 - h. any other reasonable reason;

Reference: 68 O.S. § 1354.

19. The sale, preparation or serving 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.
20. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, are hereby declared to be sales to consumers or users and taxable.
21. Service of furnishing storage or parking privileges by auto hotels and parking lots.
22. Selling, renting or otherwise furnishing computer hardware or software or coding sheets, cards or magnetic tapes on which prewritten programs have been coded, punched or otherwise recorded.

Section 2-67. Exemptions.

All items that are exempt from the state sales tax shall be exempt from any sales tax levied by this Ordinance. These exemptions include exemptions of:

1. Sales subject to other taxes:
 - a. Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been paid;
 - b. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma

Motor Vehicle Excise Tax levied by state law has been paid;

- c. Sale of crude petroleum or natural or 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
- d. Sale of aircraft on which the tax levied pursuant to Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been paid.

Reference: 68 O.S. § 1355.

2. Governmental and nonprofit entities:

- a. Sale of tangible personal property or services to the United States government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of the state; provided, all sales to contractors in connection with the performance of any contract with the United States government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this chapter, except as hereinafter provided;
- b. Sales of property to agents appointed or contracted with by agencies or instrumentalities of the United States government if ownership and possession of such property transfers immediately to the United States government;
- c. 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;
- d. 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;
- e. 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 means;
- f. Sale of tangible personal property of services to or by churches, except sales made in the course of business for profit of savings, competing with other persons engaged in the same or similar business;
- g. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, stadiums, field houses, amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;
- h. Sales of tangible personal property or services to the board of trustees organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Girls shall be exempt from sales tax;
- i. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases

are for any of the above named subdivision or agencies of this state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than sixty (60) days or both;

- j. Sales of tangible personal property of services to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state, shall certify in writing, on the copy of the invoice or sales ticket the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in Paragraph (i.) of this section;
- k. Tuition and educational fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal program or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Section 501(c)(3) of the Internal Revenue Code; and
- l. Sales of tangible personal property made by public or private school for grade levels kindergarten through twelfth grade, a public school district, public school board, public school student group or organization or public school district personnel for purposes of raising funds for the benefit of such school, school district, school board, student group or organization. For purposes of this paragraph, "public or private school" shall mean any public or private institution of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs. Sale of tangible personal property in this paragraph shall not include sale of admission tickets or concessions at athletic events.

Reference: 68 O.S. § 1356.

3. General:

- a. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;
- b. Transportation of persons where the fare of each person does not exceed one dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;
- c. Carrier sales of newspapers and periodicals made directly to consumers. Others sales of newspapers and periodicals where any individual transaction does not exceed seventy-five cents (\$0.75). A carrier is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;
- d. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in this chapter. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit;
- e. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television;
- f. Eggs, feed, supplies machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items

purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

- g. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes;
- h. Transfers of title or possession of empty, partially filled, or filled returnable oil drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums;
- i. Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant to the federal food stamp program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the State of Oklahoma in the federal food stamp program; and
- j. Nothing herein shall be construed as limiting or prohibiting the town from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the town on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items.

Reference: 68 O.S. § 1357.

4. Agriculture:

- a. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:
 - (1) Farm, orchard or garden products
 - (2) Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced;
 - (3) Livestock sold by the producer at a special livestock sale; and
 - (4) The provisions of this paragraph shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as setout herein;
- b. Livestock, including cattle, horses, mules or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;
- c. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;
- d. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to limitations:
 - (1) Feed which is fed to poultry and livestock, including breeding stock and woolbearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;
 - (2) Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;
 - (3) Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;
 - (4) Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or

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

retained by the vendor that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permit.

Reference: 68 O.S. § 1358

5. Manufactures:

- a. Goods, ware, merchandise and property purchased for the purpose of being used or consumed in the process of manufacturing, compounding, processing, assembling or preparing for sale a finished article and such goods, wares, merchandise or property become integral parts of the manufactured, compounded, processed, assembled or prepared products or are consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
- b. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;
- c. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject taxation under this chapter. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
- d. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this code. And, this exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;
- e. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state from immediate and exclusive use in some other state; or
- f. Machinery, equipment, fuels and chemicals incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of controlled industrial waste at treatment facilities specifically permitted pursuant to the Controlled Industrial Waste Disposal Act and operated at the place of waste generation, of facilities approved by the State Department of Health for the cleanup of a site of contamination. The term "controlled industrial waste" may include low-level radioactive waste for the purpose of this subsection.

6. Corporations and partnerships:

- a. The transfer of tangible personal property, as follows:
 - (1) From one corporation to another corporation pursuant to a reorganization. As used in this subparagraph the term "reorganization" means a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;
 - (2) In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;
 - (3) To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by

- each is substantially in proportion to his interest in the property prior to the transfer;
- (4) To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or
- (5) From a partnership to the members thereof when made in kind in the dissolution of such partnership; and
- b. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales tax has previously been paid on such tangible personal property.

Reference: 68 O.S. § 1359.

Section 2-68. Tax Due When; Reports; Records.

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

Reference: 68 O.S. § 1365.

Section 2-69. Remittance of Tax; Tax Brackets.

1. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form provided for payment of the state sales tax under the Oklahoma Sales Tax Code.
2. The bracket system shall be used for the collection of both the four percent (4%) municipal sales tax, the 1.125 percent county sales tax and the four and one-half percent (4.5%) State Sales Tax.

Reference: 68 O.S. § 1362.

Section 2-70. Tax Constitutes Debt.

The taxes, fees, 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 personal debt.

Reference: 68 O.S. § 213, 230.

Section 2-71. Vendor's Duty to Collect Tax.

1. 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 Town to collect from the consumer or user, the full amount of the tax levied by this Article, or any amount equal as nearly as possible or practicable to the average equivalent thereof. Every person required to collect any tax imposed by this Article, and in the case of a corporation, each principal officer thereof, shall be personally liable for said tax.
2. Vendors shall add the tax imposed hereunder or the average equivalent thereof, to the sales price or charge, and, when added, such tax shall constitute a part of such price or charge, shall be debt from the consumer or user to the vendor until paid and shall be recoverable by law in the same manner as other debts.
3. A vendor, as defined herein, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this Article, 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 implies that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00), and upon conviction for a second or other subsequent offense shall be fined not more than one thousand dollars (\$1,000.00), or incarcerated for not more than sixty (60) days, or both.

Reference: 68 O.S. § 1361.

Section 2-72. Credits and Discounts.

Remittances of tax collected hereunder shall be subject to the same credits and discounts as may be allowed by the Oklahoma Sales Tax Code for collection of state sales taxes.

Reference: 68 O.S. § 1366, 1367.

Section 2-73. Interest and Penalties; Delinquency.

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

Reference: 68 O.S. § 217.

Section 2-74. Waiver or Remission of Interest or Penalties.

1. The interest or penalty or any portion thereof ordinarily accruing by reason of a taxpayer's failure to pay a municipal tax within the statutory period allowed for its payment may be waived or remitted, provided that the taxpayer's failure to pay the tax is satisfactorily explained or provided such failure has resulted from a mistake by the taxpayer of either the law or the facts subjecting him to such tax, or inability to pay such interest of penalty resulting from insolvency.
2. The waiver or remission of all or any part of any such interest or penalties shall not become effective unless approved by a majority of the Town Board. The application for the approval of such waiver or remission shall be filed in the office of the Town Clerk-Treasurer.

Reference: 68 O.S. § 220.

Section 2-75. Erroneous Payment; Claim for Refund.

Any taxpayer who has paid to the Town of Burns Flat, through error of fact, or computation, or misinterpretation of law, any municipal tax may be refunded the amount of such tax so erroneously paid, without interest. Such taxpayer must file a verified claim for refund within three (3) years from the date of payment of such tax erroneously paid.

Reference: 68 O.S. § 227.

Section 2-76. Fraudulent Returns.

Any person who, with intent to defeat or evade the assessment or levy of municipal tax, shall make a false or fraudulent return, statement, report, claim, invoice, application, or other instrument, or any person who shall aid or abet another in filing a false or fraudulent return or statement, shall be guilty of a felony and shall, upon conviction, be fined not more than less than one thousand dollars (\$1000.00) and not more than fifty thousand dollars (\$50,000.00), or incarcerated in the state penitentiary for not less than two (2) years and not more than five (5) years, or both.

Reference: 68 O.S. § 241.

Section 2-77. Records Confidential.

The records and files of the Oklahoma Tax Commission concerning the administration of this Article or of any state tax law shall be considered confidential and privileged, except as otherwise provided for by Section 205 of Title 68 of Oklahoma Statutes, and neither the Tax Commission nor its employees nor any official or employee of the Town of Burns Flat charged with the custody of such records or files shall disclose any information therefrom. Violation of this Section shall constitute a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the county jail for a term not exceeding one (1) year, or by both, and the offender shall be removed or dismissed from office.

Reference: 68 O.S. § 205.

Section 2-78. Report of Municipal Sales Tax Information.

1. The Town Board of Trustees shall obtain, electronically, from the Oklahoma Tax Commission's website a quarterly report containing the following information:
 - a. A list of names and addresses of persons who report doing business within the Town of Burns Flat during the preceding calendar year and who have a sales tax permit;
 - b. A list of persons who are more than sixty (60) days delinquent in remitting sales taxes.
2. The report is intended to enable the Town Board of Trustees to determine the actual municipal sales tax liability of any person engaged in business within the Town of Burns Flat.
3. In addition to the penalty for wrongful disclosure of information set forth in section 1-77 above, Town officials or employees who violate the confidentiality of a taxpayer's records and files may be removed or dismissed from office.

Reference: 68 O.S. § 205 et seq.

Section 2-79. Amendments.

The people of the Town of Burns Flat, Oklahoma, by their approval of this Ordinance at the election hereinbefore provided, have authorized the Town, by Ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this Article 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 and Section 1-64 of this Article.

Section 2-80. Provisions Cumulative.

The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of municipal Ordinances.

Reference: 68 O.S. § 2706.

Section 2-81. Provisions Severable.

The provisions hereof are declared to be severable, and if any Section, paragraph, sentence or clause of this Article 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.

Article 6. Use Tax.

Section 2-82. Use Tax Imposed.

There is hereby levied and there shall be paid to every person storing, using or otherwise consuming within the municipality tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of four and one-half percent (4.5%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

Section 2-83. Exemptions.

1. The provisions of the this Ordinance shall not apply:

- a. in respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;
- b. in respect to the use of tangible, personal property purchased for resale before being used;
- c. in respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the Town of Burns Flat Use Tax Ordinance, had been paid by the person 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 Burns Flat Use Tax Ordinance, the provisions of this Ordinance shall also apply to it by a rate measured by difference only between the rate provided by both the Oklahoma Use Tax Code and the Town of Burns Flat 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;
- d. in respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is not incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the Sales Tax Code of the municipality. The term “manufacturing plants” shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
- e. in respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the municipality;
- f. 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;
- g. in respect to the use of any article of tangible personal property used or to be used by commercial airlines or railroads;
- h. in respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

Section 2-84. Time When Due—Returns—Payment.

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

Section 2-85. 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 creditor, and may be collected by suit as any other debt.

Section 2-86. Collection of Tax by Retailer or Vendor.

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

distribution or sales houses or offices or other places of business in this Town.

Section 2-87. Collection of Tax by Retailer or Vendor not Maintaining a Place of Business within State or Both Within and Without State—Permits.

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

Section 2-88. Revoking Permits.

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

Section 2-89. Remunerative Deductions Allowed Vendors or Retailers of Other States.

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

Section 2-90. Interest and Penalties—Delinquency.

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

Section 2-91. Waiver of Interest of Penalties.

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipality Tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. 1981, Section 227, and to accomplish the purposes of this section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Ordinance.

Section 2-92. Erroneous Payments—Claim for Refund.

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

Section 2-93. Fraudulent Returns.

In addition to all civil penalties provided by this Ordinance, the willful failure or refusal of any taxpayer to make reports and remittance herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Ordinance shall be an offense, and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than five hundred dollars (\$500.00) and costs. Each day of noncompliance with this Ordinance shall constitute a separate offense.

Section 2-94. Records Confidential.

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

Section 2-95. Provisions Cumulative.

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

Section 2-96. Provisions Severable.

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

Section 2-97. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1404, 68 O.S. 1981, are hereby adopted by reference and made a part of this Ordinance. In addition thereto, the following words and terms shall be defined as follows:

1. Town shall mean the Town of Burns Flat, Oklahoma.
2. Transaction shall mean sale.

Section 2-98. Tax Collector Defined.

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

Section 2-99. Classification of Taxpayers.

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

Section 2-100. Subsisting State Permits.

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

Section 2-101. Purposes of Revenues.

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

Sections 2-102 through 1-114. (Reserved for future use.)

Article 7. Firemen's Pensions.

Section 2-115. Local Firefighters Pension and Retirement Board.

1. The Mayor and the Town Clerk-Treasurer together with three (3) members of the fire department constitute the Local Firefighters Pension and Retirement Board. The fire department shall elect, by ballot, three (3) members, one (1) of whom shall serve for the term of one (1) year, and one (1) for the term of two (2) years, and one (1) for the term of three (3) years. Thereafter, the fire department shall elect by ballot one (1) of its members to serve upon the local board for a term of three (3) years.

Reference: 11 O.S. § 49-103.

2. The Mayor shall serve as ex officio member and chairman of the local board and shall vote only when necessary to avoid a tie. The Town Clerk-Treasurer shall be ex officio secretary and treasurer. The members shall elect a vice-chairman and shall promulgate such rules and regulations as necessary for the orderly conduct of business.

Reference: 11 O.S. § 49-104.

3. The local board shall be responsible for reviewing applications for retirement and disability benefits and shall recommend approval, disapproval, or modification of each application and the secretary shall forward such recommendations to the Oklahoma Firefighters Pension and Retirement Board within ten (10) days following the local board's decision.

Reference: 11 O.S. § 49-105.1.

4. The local board shall hold meetings upon the call of its chairman at such times as the chairman deems necessary. The local board shall keep a record of its proceedings. The record shall be a public record. A majority of all the regular voting members of the local board shall constitute a quorum and have power to transact business.

Reference: 11 O.S. § 49-105.

5. For each member of the Volunteer Fire Department, the Town of Burns Flat shall deposit yearly with the Oklahoma Firefighters Pension and Retirement Board sixty dollars (\$60.00). Such contributions shall be reevaluated by the next scheduled actuarial study and the amount of contribution shall be adjusted accordingly.

Reference: 11 O.S. § 122.C.

Article 8. Social Security and Employees Benefits Plan and Retirement System.

Section 2-116. Extension of Benefits.

It is hereby declared to be the policy and purpose of the Town of Burns Flat, Oklahoma, to extend to the employees and officials thereof, not excluded by law or this Article, 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, including Public Law 734 -- 81st Congress. In pursuance of such policy and for that purpose, the Town of Burns Flat shall take such action as may be required by applicable State or Federal laws and regulations.

Reference: 51 O.S. § 121.

Section 2-117. Execution of Agreements.

The Mayor of the Town of Burns Flat, Oklahoma, is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Oklahoma Public Welfare Commission to secure coverage of the Town's employees and officials as provided in Section 1-90 above.

Section 2-118. Withholdings of Salaries.

Withholdings from salaries or wages of employees and officials for the purpose provided in Section 1-90 (above) are hereby authorized to be made in such amounts and at such times as may be required by applicable Federal Laws or regulations or by Section 125, paragraph c.2. to Title 51 of Oklahoma Statutes, and shall be paid over to the State or Federal agency designated by such Laws and regulations.

Reference: 51 O.S. § 125 (c) 2.

Section 2-119. Contributions by Town.

There shall be appropriated by the Town of Burns Flat, Oklahoma, from available funds, such amounts at such times as may be required by applicable State or Federal laws or regulations for employers' contributions to the system of Federal Old-Age and Survivors Insurance. Such funds shall be paid over to the State or Federal agency designated by said Laws or regulations.

Reference: 51 O.S. § 126.

Section 2-120. Records and Reports.

The Town of Burns Flat, Oklahoma, shall keep such records and make such reports, as may be required by applicable State and Federal laws and regulations.

Section 2-121. Employees Defined Benefits Plan and Retirement System.

There may be authorized, created, established, approved and adopted, and as may be amended from time to time, the funded defined benefits plan (hereinafter called Plan) and pension plan designated the "Employee Retirement System of the Town of Burns Flat, Oklahoma, Defined Contribution Plan," (hereinafter called System). The Plan and System is hereby adopted by the town and is incorporated and made a part hereof as if fully set out in this code. A copy of the Plan and System and amendments thereto are on file in the office of the town clerk-treasurer.

Section 2-122 through 2-140. (Reserved for future use.)

Article 9. Cable Television.

Section 2-141. Cable Television. (Ordinance Number 1012.)

In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, the right is hereby granted to Cebridge Connections, its successors and assigns, hereinafter referred to as Grantees, to erect, maintain and operate antenna television transmission and distribution facilities, by coaxial cable, the streets, lanes, avenues, sidewalks, alleys, bridges and other public places in the Town of Burns Flat, Oklahoma, and subsequent additions thereto, for the purpose of transmission and distribution of television impulses and television energy, by community antenna in accordance with the laws and regulations of the United States of America and the State of Oklahoma, and the ordinances and regulations of the Town of Burns Flat, for a period of 25 years with the option to renew the same upon the same terms and conditions herein provided for, by giving written notice of the desire to do so at least one year prior to the expiration hereof, subject to the conditions hereof.

Section 2-142. Definition.

Wherever used in this ordinance, the word "television" shall mean a system for simultaneous transmission of audio signals and transient visual images by means of electrical impulses.

Section 2-143. Rights Not Exclusive.

The right-of-way for the use and purposes herein set forth shall not be exclusive but is merely a permit allowing Grantees to use the streets, alleys, etc., of the Town of Burns Flat, for the purposes herein set forth.

Section 2-144. Safety; Code Compliance; Uniformity.

1. The Grantees' transmission and distribution system, cable, and appurtenances shall be located, and maintained so as not to

endanger or interfere with the lives of persons, or to interfere with any improvements the Town may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, alleys, bridges or other public property.

2. Construction and maintenance of the transmission distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters and such applicable ordinances and regulations of the Town of Burns Flat affecting electrical installations which may be presently in effect or may be enacted by the Town of Burns Flat.
3. Installation and house drop hardware shall be uniform throughout the Town, except the Grantees shall be free to change their hardware and installation procedure as improvements therein are developed and except where changes are permitted or required by regulations and ordinances of the Town of Burns Flat presently in effect or which may be enacted hereafter.

Section 2-145. Grantees Rules.

The Grantees shall have the right to prescribe reasonable service rules and regulations for the conduct of their business; service rules and regulations shall be kept on file at all times with the Town Clerk-Treasurer.

Section 2-146. Channels.

The Grantees shall construct an ALL Bands System capable of providing Twelve (12) channels of satisfactory television reception.

Section 2-147. Federal Communications Commission.

The Grantees' distribution system shall conform to the requirements of the Federal Communications Commission, particularly with respect to freedom from spurious radiation.

Section 2-148. Transmission Quality.

The antenna, receiving and distribution equipment shall be installed and maintained so as to provide pictures on subscriber receivers throughout the system essentially of the same quality as those received at the antenna site and/or transmitted by the Grantees.

Section 2-149. Forfeiture.

The distribution system of the Grantees shall not be abandoned, either in whole or in part, without the consent of the Board of Trustees of the Town of Burns Flat. In the event of the failure of the Grantees to render community television service in the Town of Burns Flat as contemplated and provided for by this Ordinance within a period of nine (9) months from the effective date of this ordinance, the Town Board of Trustees of the Town of Burns Flat shall have the right, on reasonable notice to the Grantees, to declare this ordinance and the rights granted thereunder forfeited; provided, however, that failure to comply with this stipulation by reason of cause or causes beyond the reasonable control of the Grantee, which could not be anticipated at the time of their acceptance by the Grantees, shall not be sufficient ground to declare a forfeiture.

Section 2-150. Removal of Equipment.

1. Upon termination or forfeiture of this grant, in accordance with any of their terms, the Grantees shall, within a reasonable time, remove their cables, wires and appliances from the Town streets, lanes, avenues, sidewalks, alleys, bridges, highways, other public places and from the premises of Grantees' customers within the Town and subsequent additions thereto.
2. In the event of failure of the Grantees to perform the obligation of paragraph 1. above, the Town shall have the right to make a written demand on the Grantees to proceed to carry out the removal of such equipment and, within ninety (90) days from the date of such demand to proceed with such removal expeditiously. The Town shall have the right to remove same and retain it as the Town's property, without accounting therefore to the Grantees, and the expense of such removal shall be charged to and paid by the Grantees, without credit for the value, if any, of the equipment removed by the Town.

Section 2-151. Failure to Comply.

If the Grantees shall fail to comply with any of the provisions of this grant, or default in any of their obligations except for causes beyond the reasonable control of the grantees, as provided for in Section 1-111 hereof, and shall fail, within thirty (30) days after written notice from the Town to correct such default or noncompliance, the Town shall have the right to repeal this ordinance and all rights of the Grantees hereunder.

Section 2-152. Tax Levied.

All provisions by law provided and prescribed for the granting of this permit and authority are hereby declared to have been fully complied with and the permit shall be in full force and effect from and after its execution and approval. The Grantees shall pay, and, in consideration of the granting of this permit and authority, agree to pay to the Town of Burns Flat as a tax and as compensation for the right and privileges enjoyed hereunder, a sum equal to two percent (2%) of its monthly gross receipts received by the Grantee in the operation of said system.

Section 2-153. Town Approval.

The Town of Burns Flat hereby approves the Grantees legal, character, financial, technical, and other qualifications, and the adequacy and feasibility of Grantee's construction arrangements.

Section 2-154. Modification of Rule.

Any modification of Rule 76.31 of the Federal Communications Commission's Rules and Regulations pertaining to Cable Television Service, will be incorporated into this franchise within one (1) year of adoption or modification, or at the time of franchise renewal, whichever occurs first.

Section 2-155 through 2-160. (Reserved for future use.)

Article 10. Gross Receipts Tax.

Section 2-161. 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 in the Town of Burns Flat, Oklahoma, in the amount of two percent (2%) 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 Burns Flat, Oklahoma.

Reference: 68 O.S. § 2601.

Section 2-162. Application of Tax.

The tax authorized to be levied under Section 1-130 (above) of this Article shall be levied at the time this Article 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 Burns Flat, Oklahoma; except it shall not apply to any person, firm, association or corporation operating under a valid franchise from the Town of Burns Flat, Oklahoma.

Reference: 68 O.S. § 2602.

Section 2-163. Tax Levied; Payable Quarterly; Disposition.

This tax that is now levied under Section 1-130 (above) of this Article shall be levied for a term of not less than one (1) year and shall continue in effect until further amended or repealed; it shall be payable quarterly to the Town Clerk-Treasurer of the Town of Burns Flat, Oklahoma and placed in the General Fund of said Town.

Reference: 68 O.S. § 2603.

Section 2-164. 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 and all expenses for collecting same, including reasonable attorney fees.

Reference: 68 O.S. § 2604.

Section 2-165. Lien for Tax.

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

Reference: 68 O.S. § 2605.

Sections 2-166 through 2-176. (Reserved for future use.)

Article 11. Telephone Inspection Fee.

Section 2-177. Inspection Fee.

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

Sections 2-178. Fee in Lieu of Taxes.

During the continued substantial compliance with the terms of this ordinance by the owner of any telephone exchange, the charges levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege and permit fees or taxes or assessments, except ad valorem taxes; provided; however, that it is not intended hereby to extinguish or abrogate any existing arrangement whereby the Town is permitted to use the underground conduits, duct space, or pole contracts of said company for the fire alarm and/or police call systems of the Town.

Sections 2-179 through 2-182. (Reserved for future use.)

Article 12. Miscellaneous Provisions.

Section 2-183. Officers to Give Bonds.

1. The Town Clerk-Treasurer shall give \$10,000.00 bond, payable to the Town of Burns Flat within ten (10) days after appointment.
2. The Police Chief shall give \$5,000.00 bond, payable to the Town of Burns Flat within ten (10) days after appointment.
3. The Town of Burns Flat shall pay the premiums on such bonds.

Reference: 11 O.S. § 8-105

Section 2-184. Compensation; Change of Salaries.

The Town Board of Trustees may determine or regulate the number and class of officers and employees and determine or change their compensation, by ordinance.

Reference: 11 O.S. § 12-113.

Section 2-185. Succession in Government.

1. 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 own limitations.
2. All officers and employees of the Town of Burns Flat, 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.
3. All books, vouchers, monies or other property belonging to the Town of Burns Flat, Oklahoma, and in charge or possession of any officer of the Town, shall be delivered to his successor.

Section 2-186. Nepotism; Compatibility of Offices.

1. No member of the Town Board of Trustees or any other elected or appointed official or authority of the Town of Burns Flat may appoint, or vote for the appointment of, any person related by affinity or consanguinity within the 3rd degree to any member of Town Board, to any office or position of profit in the municipal government.
2. The following relatives shall be considered as within the 3rd degree of consanguinity or affinity: children, grandchildren, great grandchildren, brothers, sisters, aunts, uncles, nephews, nieces, grandparents, great-grandparents, in-laws of the same degree of relationships, stepchildren, and step parents. A divorce decree shall be deemed to dissolve all relationships arising from marriage.
3. Except as may be otherwise provided by Ordinance, the same person may hold more than one (1) office or position in the municipal government. A member of the Town Board, however, shall not receive compensation for service in any municipal office or position other than his elected office.

Reference: 11 O.S. § 8-106.

Section 2-187. Town Employees.

Employees of the Town of Burns Flat serve at will of the Town Board of Burns Flat and may be removed from employment at the pleasure of the Town Board for the good of the service, unless otherwise specifically provided herein. Elected officers shall be removed only in accordance with applicable state law.

Reference: 11 O.S. § 12-114.

Section 2-188. Ordinances.

1. The enacting clause of all Ordinances passed by the Town Board of Trustees shall be: "Be it ordained by the Board of Trustees of the Town of Burns Flat, Oklahoma," and of all Ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the Town of Burns Flat, Oklahoma."

Reference: 11 O.S. § 14-104.

2. All proposed Ordinances shall be considered at a public meeting of the Town Board. A vote of a majority of all the Trustees shall be required for final passage.

Reference: 11 O.S. § 14-102.

3. The Mayor shall have no power to veto any Ordinance.
4. Every Ordinance, except those for appropriation or monies, shall be published by title or in full, within fifteen (15) days after its passage, in a newspaper of general circulation within the Town or County, or posted in ten (10) public places within the Town.

Reference: 11 O.S. § 14-106.

5. Every Ordinance, except an emergency Ordinance, shall become effective thirty (30) days after its final passage unless it specifies a later date.

Reference: 11 O.S. § 14-103.

6. An emergency Ordinance is an Ordinance which, in the judgment of the Town Board of Trustees, is necessary for the immediate preservation of the peace, health or safety, and which should become effective prior to the time when a regular Ordinance would become effective. Every such Ordinance shall contain, as a part of its title, the words “and declaring an emergency” and, in a separate section (herein called the emergency section), shall declare the emergency. The Town Board of Trustees shall vote on the emergency section separately and must adopt the emergency section by a vote of at least three-fourths (¾) of all the members of said Town Board. An emergency Ordinance shall take effect upon final passage, unless it specifies a later date.

Reference: 11 O.S. § 14-103.

Section 2-189. Ordinances: Adoption by Reference.

The Town Board of Trustees, by Ordinance, may adopt by reference Codes, Ordinances, and standards relating to building, plumbing, electrical installations and other matters which it has the power to regulate. Such a Code, Ordinance, or standard so adopted need not be enrolled in this Code of Ordinances; provided that one (1) copy is filed and kept in the Office of the Town Clerk-Treasurer.

Section 2-190. Ordinances: Compilation.

1. Every ten (10) years, the Town of Burns Flat, Oklahoma, shall compile and publish its effective penal Ordinances in a permanent form.
2. One (1) copy of the compilation of Ordinances shall be deposited by the Town in the County Law Library.
3. Every two (2) years the Town of Burns Flat, Oklahoma, shall publish supplements to its compiled penal Ordinances, and no Ordinance shall be enforced if it is not reflected in such compilation or supplement, if such Ordinance was adopted prior to the latest compilation or supplement.
4. When the Town has compiled and published its Ordinances, the Town Board of Trustees shall adopt a Resolution notifying the public of such compilation and cause certified copies of the Resolution to be filed in the Office of the Washita County Clerk.

Reference: 11 O.S. § 14-109, 14-110.

Section 2-191. Amendments or Additions to the Code of Ordinances.

1. The Town Board of Trustees shall have the power to repeal, alter or amend this Code of Ordinances.
2. All Ordinances passed subsequent to this Code of Ordinances which amend, repeal, or in any way affect said Code, may be numbered in accordance with the numbering system of this Code of Ordinances and printed for inclusion therein. When subsequent Ordinances repeal any Chapter, Section or Subsection, or any portion thereof, such repealed portions may be excluded from this Code of Ordinances by omission thereof from reprinted pages. Such inclusion of Ordinances passed subsequent to this Code of Ordinances which amend or add to this Code (except in the case of repeal), shall be prima facie evidence of such subsequent Ordinances until such time that this Code of Ordinances and subsequent Ordinances numbered or omitted, are readopted as a new Code of Ordinances by the Town Board of Trustees.
3. Amendments to any of the provisions of this Code of Ordinances shall be made by amending such provisions by specific reference to the Chapter, Article and Section numbers of this Code in the following language: “Be it ordained by the _____ of the Town of Burns Flat that Section _____ of Article _____, of the Code of Ordinances, Town of Burns Flat, Oklahoma, is hereby amended to read as follows: _____.” The new provisions shall

then be set out in full, as desired.

4. In the event that a new Section not heretofore existing in the Code of Ordinances is to be added, the following language shall be used: "That the Code of Ordinances, Town of Burns Flat, Oklahoma, is hereby amended by adding a Section to Article _____ of Chapter _____, to be numbered _____, which said Section reads as follows: _____." The new Section shall then be set out in full, as desired.

CHAPTER 3

ALCOHOLIC BEVERAGES

Article 1. Oklahoma Alcoholic Beverage Control Act.

Article 2. Alcoholic or Intoxicating Beverages.

Article 3. Low-point Beer.

Article 4. Bottle Clubs.

Article 5. Miscellaneous Provisions.

Article 6. Penalty.

Article 1. Oklahoma Alcoholic Beverage Control Act.

Section 3-1. Oklahoma Alcoholic Beverage Control Act Adopted.

The Oklahoma Alcoholic Beverage Control Act (37 O.S. 1981, § 501-599, as amended) is hereby adopted and incorporated by reference in the Code of Ordinances of the Town of Burns Flat, Oklahoma; applicable provisions of the Act are hereby declared to be in full force, as if included herein in complete detail.

Section 3-2. Definitions and Interpretations.

1. All words, phrases and terms used in this and other Chapters relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act.

Reference: 37 O.S. § 506.

2. Beverages containing more than three and two-tenths percent (3.2%) alcohol by weight are hereby declared to be “intoxicating beverages”.

Reference: 37 O.S. § 163.1.

3. Beverages containing more than one-half (½) of one percent (1%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight are hereby declared to be “low-point beer.”

Reference: 37 O.S. § 163.1.

Sections 3-3 through 3-4. (Reserved for future use.)

Article 2. Alcoholic or Intoxicating Beverages.

Section 3-5. Occupation Tax.

1. There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:

a. Brewer	\$1,250.00	
b. Distiller	3,125.00	
c. Winemaker	625.00	
d. Oklahoma Winemaker	75.00	
e. Rectifier	3,125.00	
f. Wholesaler	3,500.00	
g. Class B Wholesaler	625.00	
h. Retail Package Store	305.00	
i. Bottle Club	1,000.00	(initial)
	900.00	(renewal)
j. Agent	55.00	(initial)
k. Carrier	23.00	(initial)

- l. Storage 23.00 (per day)
- m. Special event 55.00 (per day)

- 2. The occupation tax for those war veterans organizations which are exempt under Section 501(c)(19) of the Internal Revenue Code for bottle club license shall be five hundred dollars (\$500.00) per year.

Reference: 37 O.S. § 518.

- 3. If a brewer or a Class B wholesaler also holds a license from the State to manufacture or wholesale any low-point beer, the occupation tax for such brewer or Class B wholesaler shall be reduced by seventy-five percent (75%).

Reference: 37 O.S. § 554.1; see also 37 O.S. § 518.

Section 3-6. Payment Required; Penalty.

- 1. Any State licensee originally entering upon any occupation herein listed shall pay the tax therefore at the Office of the Town Clerk-Treasurer on or before the date upon which he enters upon such occupation. Said licensee shall provide a copy of his current State license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before the first day of July.
- 2. The occupation tax subject to this Ordinance shall be prorated on a monthly basis for the year in which an occupation begins operations.
- 3. Upon payment of the said occupation tax, the Town Clerk-Treasurer shall issue a receipt to said State licensee. Said licensee shall post the receipt in a conspicuous place on the premises wherein he carries on his occupation.

Reference: See, e.g., 37 O.S. § 532.1.

- 4. Any person who engages in any of the occupations taxed by this Chapter without paying said occupation tax imposed therefore in advance of such operation, is guilty of an offense against the Town of Burns Flat, Oklahoma, and upon conviction thereof shall be punished by fine, costs, and imprisonment as provided for in Section 1-20 of this Code. Each day of such violation shall constitute a separate offense.

Section 3-7. Annual Report.

The Town Clerk-Treasurer shall make an annual report to the ABLE Commission, covering the fiscal year, showing the number and class of licensees subject to the occupation tax and the amount of money collected from said tax.

Reference: 37 O.S. § 554.1.

Section 3-8. Application for Certificate; Investigations.

- 1. Every applicant for a certificate of compliance with the fire, health and safety codes of the Town of Burns Flat required by Title 37 of the Oklahoma Statutes shall apply at the Office of the Town Clerk-Treasurer by:
 - a. Filing a written application on forms prescribed by that office, and
 - b. Paying a verification and certification fee in the amount as set by the Town Board of Trustees at the time of filing.
- 2. Upon receipt of an application for a certificate of compliance the Town Clerk-Treasurer shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of any health, fire, building and other safety codes applicable to it.
- 3. The Town Clerk-Treasurer shall act on all such applications within twenty (20) days of receipt thereof.

Reference: 37 O.S. § 523.

Section 3-9. Issuance of Certificate of Compliance.

1. 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.
2. The above certificate of compliance shall be signed by the Mayor, Town Administrator, or Town Clerk-Treasurer.

Section 3-10. Retail Package Stores.

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

Reference: 37 O.S. § 518.2.

2. It shall be unlawful for any person to operate or maintain, or to assist in the operation or maintenance of, any retail package store when the premises are not separated from the premises on which any other goods, wares or merchandise are sold or services are rendered, by nontransparent walls (which may be broken by a passageway to which the public is not admitted). It shall be unlawful for any person to take any alcoholic beverage from such store through said passageway to which the public is not admitted, for the purpose of selling, reselling or delivering in connection with the sale of said alcoholic beverages.

Reference: 37 O.S. § 534.

3. It shall be unlawful for any person holding a license for a retail package store, or any employee or agent thereof, to keep the premises of the retail package store open for the purpose of selling, or to sell, any alcoholic beverages at any hour other than between the hours of 10:00 o'clock a.m. and 9:00 o'clock p.m. Monday through Saturday; or to keep such premises open for such purposes on the day of any general, primary, runoff primary or special election while the polls are open; or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day.

Reference: 37 O.S. § 537.C.3.

4. Retail package stores may sell alcoholic beverages only in retail containers in the original package for consumption off the premises and only at ordinary room temperature.

Reference: 37 O.S. § 534.

5. It shall be unlawful for any person holding a license for a retail package store, or any employee or agent thereof, to:
 - a. Knowingly sell, deliver or furnish any alcoholic beverages to any person under twenty-one years of age, an intoxicated person or any person who has been adjudged insane or mentally deficient;

Reference: See, 37 O.S. § 538.F.G.

- b. Employ any person under twenty-one (21) years of age in the selling or handling of alcoholic beverages;

Reference: 37 O.S. § 537.B.2.

- c. Permit any person under twenty-one (21) years of age to enter into, remain within or loiter about a licensed premises;

Reference: 37 O.S. § 537.C.7.

- d. Permit any person to open a retail container or consume alcoholic beverages on the premises of a retail package store;

Reference: 37 O.S. § 537.C.

6. Any person who violates the provisions of this Section shall be guilty of a criminal offense and shall be fined and/or imprisoned in accordance with Section 1-20 of this code.

Section 3-11 through 3-14. (Reserved for future use.)

Article 3. Low-Point Beer.

Section 3-15. Definitions.

“Retail dealer”, as used in this Article, means any person, firm, corporation, association or concessionaire who sells, distributes or dispenses, at retail, any low-point beer within the corporate limits of the Town of Burns Flat, Oklahoma, without regard as to any place where such beverages may be consumed or used.

Reference: 37 O.S. 163.2. (e).

Section 3-16. License.

1. There is hereby levied upon each retail dealer of low-point beer for consumption on and off the premises, an annual municipal license fee of twenty dollars (\$20.00); an annual license fee of ten dollars (\$10.00) is hereby levied upon each retail dealer for sale of low-point beer for consumption off the premises only.

Reference: 37 O.S. § 163.10; see e.g., 37 O.S. § 163.7.(c).

2. It shall be unlawful for any retail dealer, whether permanent or temporary, to sell, distribute or dispense any low-point beer without having first received a municipal occupation license, as herein required.
3. No municipal occupation license shall be issued to any retail dealer by the Town Clerk-Treasurer, until the applicant has obtained all required State and County permits. All such occupation licenses shall expire on June 30th of the year following reissuance. License fees shall be paid to the Town Clerk-Treasurer and no license shall be transferable from one person to another.

Reference: See, e.g., 37 O.S. § 163.8.

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

Section 3-17. Retail Dealers in Low-Point Beer Beverages.

It shall be unlawful for any person, firm or corporation operating or maintaining a place of business where low-point beer is sold for consumption on the premises to:

1. Sell, offer for sale, give away, procure for, or otherwise dispense to, any person under twenty-one (21) years of age any low-point beer;

Reference: See, e.g., 37 O.S. § 163.11 (3).

2. Permit any person under twenty-one (21) years of age to loiter or remain in or around such place of business, except where such business is an eating place where the service of such beer is incidental to the main business of serving food, unless said person’s parent or legal guardian is present.

Reference: 37 O.S. § 241; see also, 37 O.S. § 163.11 (4).

3. Employ any person under twenty-one (21) years of age to work in such a place, except where said place is an eating place where the service of such beer is incidental to the main business of serving food.

Reference: 37 O.S. § 243.

4. Sell, deliver or knowingly furnish low-point beer to an intoxicated person or to any person who has been adjudged insane or mentally deficient;

Reference: See, e.g., 37 O.S. § 538.G.

5. Permit therein gambling, betting or operation of a lottery;

Reference: See, e.g., 37 O.S. § 163.11 (6).

6. Permit sale, furnishing or drinking of intoxicating liquor; or

Reference: See, 37 O.S. § 163.11 (7).

7. Permit disorderly conduct, loud or disturbing language or any other violation of State Law or of the Code of Ordinances of the Town of Burns Flat, Oklahoma.

Section 3-18. Location Restrictions for Certain Retail Dealers.

It shall be unlawful for retail dealers who sell low-point beer for consumption on the premises to be located within three hundred (300) feet from any public school or church; provided however that if any public school or church shall be established within three hundred (300) feet of any such retail dealer, license renewal shall not be affected adversely so long as there has not been a lapse of more than sixty (60) days.

Reference: 37 O.S. § 163.24.

Section 3-19. Hours of Sale.

It shall be unlawful and a criminal offense for low-point beer (as herein defined) to be sold, given away or otherwise dispensed for consumption on the premises between the hours of 2:00 o'clock a.m. and 7:00 o'clock a.m. on any day.

Sections 3-20 through 3-24. (Reserved for future use.)

Article 4. Bottle Clubs.

Sections 3-25 through 3-39. (Reserved for future use.)

Article 5. Miscellaneous Provisions.

Sections 3-40 through 3-49. (Reserved for future use.)

Article 6. Penalty.

Section 3-50. Penalty.

Any person, firm or corporation violating any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and cost as provided for in Section 1-20 of this Code of Ordinances. Each day upon which a violation continues shall be deemed a separate offense. In addition to any fine or imprisonment, any license issued hereunder may be revoked.

CHAPTER 4

ANIMALS

- Article 1. General Provisions.
- Article 2. License and Permit Requirement.
- Article 3. Municipal Pound.
- Article 4. Penalty.

Article 1. General Provisions.

Section 4-1. Definitions.

The following words and phrases, when used in this Chapter, shall have the meanings prescribed in this Section, except in those cases where the context clearly indicates, or specifically provides for, a different meaning:

1. Animal. The word “animal” shall mean 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, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.
2. Animal Control Officer. The term “Animal Control Officer” shall mean the person(s) responsible for enforcement of the ordinances and regulations pertaining to animal control in the Town of Burns Flat, Oklahoma.
3. Animal Shelter or Municipal Pound. The terms “animal shelter” or “municipal pound” shall mean 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 Chapter, regardless of whether or not said premises are within 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 Burns Flat, Oklahoma, and private owner(s).
4. At-Large. The term “at large” shall mean not under “restraint,” as defined in paragraph 11 below.
5. Dangerous Birds. The term “dangerous bird” shall mean any warm-blooded, feathered vertebrate which may constitute a physical threat to human beings.
6. Harboring. The word “harboring”, when used in this Chapter, shall mean allowing any animal habitually to remain or be fed on premises.
7. Kennel. The word “kennel” shall mean any structure or place where three (3) or more dogs, over six (6) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary boarding of more than three (3) dogs over six (6) months of age.
8. Livestock. The word “livestock” shall mean all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.
9. Owner. The word “owner” shall mean 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.
10. Pet. The word “pet” shall mean any animal kept for pleasure, rather than utility.
11. Restraint. An animal shall be deemed to be under “restraint” if confined, by fence or other means, on the premises of its owner, if on a leash no longer than six (6) feet in length and accompanied by a responsible person over twelve (12) years of age, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.
12. Vicious Dog or Animal. The term “vicious dog or animal” shall refer to any dog or animal which has bitten or attempted to bite any person without provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite any person or persons when not provoked. The owner or owners of such dogs or animals shall be liable to the full amount when such animal bites or injures any person while such person is in or on a place where he or she has a lawful right to be.

Reference: 4 O.S. § 42.1.

13. Wild Animal. The term “wild animal” shall mean any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated; the term shall include animals which may be owned by a circus or wild animal show or exhibition.

Section 4-2. Animals Running At Large – Regulation and Taxation.

The Town of Burns Flat, Oklahoma shall regulate and prohibit animals running at large. The Board of Trustees of the Town of Burns Flat may provide for pens, pounds, and buildings for the use of the municipality. They may also regulate and provide for taxing the owners and harborers of such animals, and may authorize the extermination of animals which are found at large in violation of this Ordinance.

Reference: 11 O.S. § 22-115.

Section 4-3. Animals Not to be At Large, Except Cats.

1. It shall be unlawful and an offense for any owner to permit any animals (including chickens and other fowl) owned, harbored, or kept by him, except a cat, to be at large.
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 Burns Flat, Oklahoma, without providing a substantial and secure pen or fenced in area in which said dog shall be confined (which pen or fenced in area shall be sufficient in size that no sanitation or health problem shall be created); or to
 - b. Keep or harbor any dog in the front yard of any property.
 - c. Place a dog on a leash which permits the dog to reach or bite any person who may be using the public thoroughfares of the Town, to reach beyond the limits of the lot or premises upon which said dog is kept and confined, or to reach any person who may be rendering necessary services to the premises where said dog may be kept, harbored or possessed.
3. The animal control officer or police officer on call may, at his discretion, cite the owner of such animal to appear in municipal court to answer charges of violation of this chapter.

Section 4-4. 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 this Code.

Reference: 50 O.S. § 2, 16.

Section 4-5. 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 Burns Flat, Oklahoma, except under those conditions and provisions herein specified. Absent such conditions and provisions for a particular type of animal, said animal type shall not be kept or harbored at any time within the corporate limits of the Town of Burns Flat, Oklahoma herein specified.
2. No swine shall be kept within the corporate limits of the Town of Burns Flat, Oklahoma.
3. It shall be unlawful and an offense to harbor an animal except within a proper shelter and within an area enclosed by a fence and it shall be unlawful and an offense to harbor an animal in the front portion of a premises, including within the carport or garage of such premises. Every structure wherein any authorized animal is kept within the corporate limits of the Town of Burns Flat, 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 be provided with a watertight and flytight receptacle for manure or such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times, except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on the premises except in such receptacle.

4. In locations where animals are confined by fence, said fence shall be of sufficient construction to ensure that the animal(s) shall not escape.

Reference: 4 O.S. § 154.

5. The keeping or raising of bees within the corporate limits of the Town of Burns Flat, Oklahoma, shall be permitted only on large-lots (over two (2) acres). A permit shall be required to keep or raise bees.
6. The keeping or raising of horses, sheep, cattle and chickens (or similar fowl), shall not be permitted throughout the Town of Burns Flat, Oklahoma.
7. The raising of parakeets and/or other small birds or similar fowl shall be permitted within the Town of Burns Flat, Oklahoma, without license or permit requirements, subject to the following provisions:
 - a. All activities associated with the raising of such fowl shall be completely enclosed and out of the public view; and
 - b. Premises used for the raising of such fowl shall be maintained in accordance with subsections 3 and 4 (above).
8. The raising or keeping of dangerous birds shall be permitted, in accordance with the provisions of subsections 3 and 4 (above) and the license and permit requirements outlined in Article 2 of this Chapter.
9. The raising or keeping of rodents, for any purpose, shall be permitted, in accordance with the provisions of subsections 3 and 4 (above) and the license and permit requirements outlined in Article 2 of this Chapter.
10. The raising or keeping of rabbits shall be permitted, in accordance with the provisions of subsections 3 and 4 (above).
11. The keeping or raising of any wild animals shall be prohibited within the Town of Burns Flat, 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.
12. The keeping of pets or other animals not specifically mentioned or regulated within this Chapter, shall be subject only to such generally applicable provisions requiring the maintenance of sanitary conditions and the avoidance of a nuisance.
13. No venomous snakes may be kept within the corporate limits of the Town of Burns Flat, Oklahoma, except under the conditions and provisions of the license required for such snakes in section 4-26 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.

Section 4-6. 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.

Reference: 21 O.S. § 1691.

Section 4-7. Cruelty to Animals.

1. It shall be unlawful for any person knowingly, willfully or maliciously to overdrive, overload, torture, destroy or kill, or cruelly beat or injure, maim or mutilate, any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or deprive any such animal of necessary food, drink or shelter; or who shall cause, procure or permit same; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty.

Reference: 21 O.S. § 1685.

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.

Reference: 21 O.S. § 1682, 1683.

Section 4-8. 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 4-9. 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 proper authorities.

Section 4-10. Rabies Control; Vaccination Requirements.

1. Any warm blooded animal, capable of transmitting the rabies virus, maintained or harbored at any time in the Town of Burns Flat, Oklahoma, shall be vaccinated against rabies with an approved vaccine, either live or inactivated (killed virus).
 - a. Live virus vaccine can only be sold to and administered by a licensed veterinarian. Veterinarians shall be required to keep a record of the type and/or brand of the rabies vaccine administered to each animal for a period of three years.
 - b. Inactivated (killed virus) vaccine may be administered by persons who are not licensed veterinarians. The individual who administers the vaccine must keep a record for three years which includes: name and address of the owner of the animal, date of vaccination, brand name of vaccine used, lot serial number of vaccine used, person or firm from whom purchased, their address and date of purchase; expiration date of vaccine used; and the name, address, and telephone number (if any) of the individual administering the vaccine.
- Reference: 1983 Rabies Prevention Guidelines, OSDH.*
 - c. The owner of such animals shall be required to furnish such proof of vaccination when requested to do so by the Animal Control Officer. Failure to provide such proof shall be prima facie evidence that such animal has not been so 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. In case of animals whose ownership is unknown, such quarantine shall be at the Municipal Pound. Said animal may be reclaimed by the owner, if adjudged free of rabies; such owner shall then pay any related charges for confinement. Quarantined animals shall be under the supervision of a licensed veterinarian for a period of ten (10) days.

Reference: 63 O.S. § 1-508; 1983 Rabies Prevention Guidelines, OSDH.

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, shall immediately send the necessary part of such animal to the State Health Department 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 town-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 Burns Flat, 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 destroyed forthwith; or, at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian; or, shall be 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 from time to time.
6. No person shall remove from the Town of Burns Flat, Oklahoma, any animal suspected of having been exposed to rabies, or any animal which 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 owning or harboring any dog or cat which is six (6) months old or older within the corporate limits of the Town of Burns Flat, Oklahoma, to obtain a rabies vaccination certificate from a graduate licensed veterinarian, or agent authorized by the Town Board, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.
8. Failure to abide by the municipal vaccination requirements within fifteen (15) days of establishing residency within the Town of Burns Flat, Oklahoma, shall be unlawful.

Section 4-11. 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 4-12. Certain Dogs Running Loose to be Killed.

1. The Animal Control Officer, his designated representatives or any law enforcement officer of the Town of Burns Flat, Oklahoma, shall be required to kill any dog running loose within the corporate limits of the Town of Burns Flat, Oklahoma, which is determined by the Animal Control Officer or law enforcement 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, without keeping said dog in the Municipal Pound for any period of time.

Reference: 11 O.S. § 22-115.

2. Dogs found running loose and caught more than two (2) times may be destroyed upon capture.
3. The animal control officer, his designated representative or any law enforcement officer of the Town of Burns Flat, Oklahoma, shall be authorized to use lethal intervention, if with reasonable effort any dog running loose cannot be caught, whether or not such dog is on public or private property.
4. The animal control officer, his designated representative or any law enforcement officer of the Town of Burns Flat, Oklahoma, may destroy any dog which is ill or injured to such an extent that keeping it alive for any period of time would cause needless suffering and pain.

Section 4-13. Pet Shops and Kennels. Private Boarding Kennels.

1. It shall be unlawful for any person or persons to maintain a pet shop or kennel, including boarding kennel, for business, unless such owner shall first pay to the Town of Burns Flat, Oklahoma, an occupation tax of twenty-five dollars (\$25.00) and obtain from the Town Clerk-Treasurer a license. Said license, issued by the Town Clerk-Treasurer, shall be posted at all times and shall be in lieu of all other registration fees prescribed, provided that all animals in such a kennel or shop shall, at all times, be confined on the premises. Should animals belonging to such owner or keeper be allowed off the premises, the owner or keeper shall pay the same tax and registration fee as required for all animals not kept under this provision.

2. Pet shops and kennels shall be maintained in a clean and sanitary condition at all times, and shall be subject to inspection by the Animal Control Officer at any reasonable time.
3. All pet shops and kennels, excluding private boarding kennels, shall:
 - a. Maintain records and retain such records for a two (2) year period on all animals maintained in such facility. Such records shall show type/breed, color, markings, sex, age, date and source of the animal, period for which the animal is maintained, date of disposition of the animal (including name and address of new owner), and disease prevention and/or treatment and by whom;
 - b. Provide general environmental conditions to assure adequate physical space for such 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.
4. Any person, firm or corporation operating a Private Boarding Kennel shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this Code of Ordinances and any future zoning ordinance.
5. No pet shop, kennel, private boarding kennel, stable, coop, 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.

Section 4-14. Inspections to Enforce Chapter.

1. The local or county health officer, or the animal control officer, upon complaint of any person or on his own initiative, shall inspect, or cause to be inspected, any structure or place wherein an animal is kept.
2. The local or county health officer may issue any such reasonable order as he may deem necessary to the owner of such animal, to cause such animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance.
3. The local or county health 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 4-15. Zoning Ordinance to Prevail.

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

Section 4-16. Vicious Dogs and Animals.

1. It shall be unlawful and an offense for any owner as herein defined, within the corporate limits of the Town of Burns Flat, to harbor, keep or have possession of any vicious dog or animal as herein defined.
2. It shall be the duty of the Animal Control Officer, Police Officer or person authorized by them, to seize and impound any dog or animal by him found to be vicious and in such an event to cause proceedings to be instituted in the Municipal Court against the owner of said dog or animal for violation of this section. If such seized and impounded dog or animal shall have bitten a human being one or more times before such seizure or impounding, then and in that event, the procedure set out in Section 4-10 herein shall apply, provided that said procedure shall be subject to the ultimate decision of the Municipal Court. In any event, if the Court shall fail to find that the dog or animal so seized and impounded is a vicious dog or animal, then the Court shall order, and it shall be the duty of the Police Officer to cause the surrender and return of said dog or animal to the owner thereof, but in the event that such dog or animal is found by the Court to be a vicious dog or animal, the Court shall order the Chief of Police or person designated by him to destroy said vicious dog immediately.

Sections 4-17 through 4-24. (Reserved for future use.)

Article 2. License and Permit Requirements.

Section 4-25. Dog Registration and Tags.

1. Registration:

- a. Proof of Rabies Vaccination: The owner of the dog agrees to provide proof of current rabies vaccination at any time when requested by the town.
- b. Information on Owner and Dog: At the time of licensing, the owner of the dog shall register the dog by giving to the town the name and address of the owner, breed, color and sex of the dog and such other reasonable information as the town may request.

Upon receipt of proof of rabies vaccination, information and fee, the town will issue an appropriate tag for the dog. This tag will constitute a license for the dog.

2. Lost Tags: If the tag is lost before the end of the year in which it was issued, the owner shall secure another tag by applying to the town.
3. Tags: Counterfeiting, Placing on Other Dogs: No person shall counterfeit or attempt to counterfeit, any tag issued for a dog as provided in this section, or take from any dog a tag legally placed upon it, or place such tag upon a dog for which the tag was not specifically issued.

Section 4-26. Other Licenses.

No person shall keep or harbor bees, dangerous birds, venomous snakes, rodents, rabbits, or wild animals without first obtaining a license. The license shall be issued by the Town Clerk-Treasurer upon a determination that issuance is consistent with public health, safety, and welfare and upon prior payment of a license fee in the amount of five dollars (\$5.00).

Reference: 11 O.S. § 22-107.

Sections 4-27 through 4-34. (Reserved for future use.)

Article 3. Municipal Pound.

Section 4-35. 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 and the Animal Control Officer who shall provide proper sustenance for all animals impounded and shall 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 Burns Flat, Oklahoma.

Reference: 11 O.S. § 22-115.

Section 4-36. 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 Burns Flat, Oklahoma, regardless of whether the dog bears a tag or the owner has a permit. The animal control officer, his designated representative or any law enforcement officer of the Town of Burns Flat, Oklahoma, shall be allowed to enter upon the premises of the owner or other private premises to seize a dog that is not wearing a tag issued by the Town of Burns Flat, Oklahoma.

3. The Animal Control Officer shall immediately capture 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.
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 to him, upon the payment of the charges due, as authorized by the provisions of this Chapter.
5. Animals 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 three (3) days. 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 dog'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 has been impounded for at least three (3) days, and unclaimed and unredeemed by their owner or any other person desiring such animal as a pet and willing to pay applicable license fees and the reasonable expenses incurred in the dogs detention.

Reference: See generally, 4 O.S. § 391, et seq.

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.
8. It shall be unlawful for any person, unauthorized by Animal Control Officer, to remove or assist to remove any animal from the municipal pound.

Section 4-37. Impounded Animals; Fees for Keeping and Redemption.

1. An owner or harbinger of an impounded dog may redeem the animal prior to its sale, destruction, or delivery to an institution by paying the catch fee as established by motion of the Town Board of Trustees.
2. The fees for impounding and keeping animals, other than dogs to be paid upon redemption, shall be as established by motion of the Town Board of Trustees for every twenty-four (24) hours or portion of twenty-four (24) hours during which said animal has been impounded and by obtaining any required license set forth in Article 2.
3. 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 before the animal shall be released.
4. Any person redeeming from the pound a dog not licensed as required or cannot produce such license shall secure a tag and present the receipt and the tag to the person in charge of the pound before the dog can be released. The owner of such dog shall have fourteen (14) days to obtain the necessary vaccinations or be subject to a fine. The dog will be released for the purpose of obtaining the vaccination. If the dog has been licensed but is not wearing the tag, the owner of the dog shall acquire a replacement tag and present the new tag to the person in charge of the pound before the dog will be released.
5. The town will recognize up to date tags from other cities and towns for visitors.

Sections 4-38 through 4-44. (Reserved for future use.)

Article 4. Penalty.

Section 4-45. 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, shall be punished by fine and costs as provided for in Section 1-20 of this Code. Each day upon which a violation continues shall be deemed a separate offense. In addition to any fine or imprisonment, licenses issued under this chapter may be revoked.

CHAPTER 5

BUILDING AND CONSTRUCTION

- Article 1. Codes and Code Administration.
- Article 2. Flood Damage Prevention.
- Article 3. Miscellaneous Provisions.
- Article 4. Penalty.

Article 1. Codes and Code Administration.

Section 5-1. Codes Adopted.

The particular Codes listed below (with revisions as may be hereinafter set forth) are hereby adopted and incorporated in this Code of Ordinances, as fully as if set out at length herein, for the purposes of establishing rules and regulations for the following activities carried on within the corporate limits of the Town of Burns Flat, Oklahoma:

1. (Building Code) The construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures:

Basic Building Code (recommended by Building Officials and Code Administrators International –BOCA), Current Edition;

2. (Plumbing Code) The installation or alteration of plumbing and drainage systems for buildings and structures:

Basic/National Plumbing Code (recommended by Building Officials and Code Administrators International-BOCA), Current Edition;

3. (Electrical Code) The installation or alteration of electrical equipment for buildings or structures:

National Electrical Code (National Fire Protection Association), Current Edition;

4. (Housing Code) the provisions of basic, minimum housing standards for the preservation of the health, safety and welfare of occupants:

Basic Housing and Property Maintenance Code (Building Officials and Code Administrators International –BOCA), Current Edition;

5. (Fire Prevention Code) the provision of basic safeguards to life and property from the hazards of fire and explosion:

Basic Fire Prevention Code (National Fire Protection Association), Current Edition;

6. (Safety Code)The use and occupancy of buildings or structures

Life Safety Code (National Fire Protection Association), Current Edition;

7. (Mechanical Code) The installation of mechanical systems, including alterations, repairs, replacement, equipment, appliance, fixtures, fittings and/or appurtenances thereto:

Standard Mechanical Code (recommended by the Southern Building Code Congress), Current Edition.

Reference: 11 O.S. § 14-107.A.

Section 5-2. Modifications of Adopted Codes.

1. Wherever the words “City,” “Town” or “Municipality” are used in those Codes adopted, it shall mean the Town of Burns Flat, Oklahoma.

2. Wherever the words “Inspector,” “Building Inspector” or “Administrative Official” are used in those Codes adopted, it shall mean the municipal official currently assuming the duties and responsibilities of Municipal Building Inspector for the Town of Burns Flat, Oklahoma.
3. All official titles used in those Codes adopted shall be interpreted as defined in this Code of Ordinances.
4. Maximum penalties for violation of provisions of those Codes are provided in Section 1-20 of this Code.
5. Notwithstanding any provisions of those Codes adopted by this Chapter, wood shingles may be used for roofing.
6. All limits referred to in any of those Codes adopted by this Chapter are hereby established as the corporate limits of the Town of Burns Flat, Oklahoma.

Section 5-3. Adopted Codes on File.

One (1) copy of those Codes adopted by the Town of Burns Flat, Oklahoma, shall be retained in the Office of the Town Clerk-Treasurer.

Reference: 11 O.S. § 14-107.A.

Section 5-4. Codes in Effect.

From the date on which this Chapter shall take effect, the provisions of said Codes, as herein modified, shall be controlling within the corporate limits of the Town of Burns Flat, Oklahoma.

Section 5-5. Conflicts with Code of Ordinances.

Whenever, any provision of the Codes adopted by this Chapter conflicts with the Code of Ordinances of the Town of Burns Flat, Oklahoma, the latter provisions shall govern.

Section 5-6. Appointment and Duties of Building Inspector.

The Town Board of Trustees may appoint or designate a municipal official, employee, or other person to be responsible for enforcing the Codes adopted by these Ordinances. Said person may bear such titles as “Building Inspector,” “Gas Inspector,” “Plumbing Inspector,” “Electrical Inspector,” etc., as may be deemed appropriate to indicate their respective areas of concern. The Building Inspector shall:

1. Enforce all the provisions of this Code and shall act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment and the location, use, occupancy and maintenance of all buildings and structures, except as may otherwise be specifically provided for by statutory requirements or as provided herein.
2. Receive applications and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.
3. Issue all necessary notices or orders to remove illegal or unsafe conditions, issue municipal citations relating to property, to require the necessary safeguards during construction, to require adequate exit facilities in existing buildings and structures, and to insure compliance with all the Code requirements for the health, safety and general welfare of the public.
4. Make all the required inspections, or the building official may accept reports of inspection by approved agencies or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The building official may engage such expert opinion as may be deemed necessary to report upon unusual technical issues that may arise subject to the approval of the appointing authority.
5. Carry proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this Code.

6. Have power as may be necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire resistive requirements specifically provided in this Code or violating accepted engineering practice involving public safety.
7. Keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulations.

Section 5-7. Building Permits.

1. No person shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, swimming pool, mobile or modular home, other construction of the clearing or excavation of the site without first obtaining a separate Building Permit for each such building or structure from the Office of the Town Clerk-Treasurer.
2. The Town Board of Trustees shall establish policies and procedures for the application and issuance of building permits. Said policies and procedures shall be provided to applicants of building permits at the time application for permit is made.
3. Building permits may be issued by the Town Administrator or his designee unless approval is required by the Planning Commission or Town Board of Trustees as set forth in these ordinances.
4. Fees for building permits shall be as established by the Town Board of Trustees.

Section 5-8 through 5-14. (Reserved for future use.)

Article 2. Flood Damage Prevention.

Section 5-15 through Section 5-35. (Reserved for future use.)

Article 3. Miscellaneous Provisions.

Section 5-36. House Moving Permit.

1. Before any person shall move any house, building or heavy structure (excluding mobile homes) on or over any street within or through the Town of Burns Flat, Oklahoma, it shall first be necessary to obtain a permit to do so from the Office of the Town Clerk-Treasurer. Said permit shall first be approved by the Mayor, Acting Mayor, or Town Administrator as provided herein this Section.
2. The fee for a permit to move such house or structure shall be set by Resolution of the Town Board, but shall not be less than 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 posted a bond 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 by him or by his agents or employees, and holding the Town of Burns Flat, Oklahoma, harmless from liability for any such damages.
4. It shall be the duty of the Mayor, Acting Mayor or Town Administrator to approve and determine the route that may be used and the potential for damages, if any, to any property. He may prescribe such rules and regulations as are necessary to promote an effective move and to protect persons and property. The mover shall erect all necessary danger signals during the move.
5. Any person moving any house or any other structure on or over any street or alley shall be liable personally and upon his bond for any damages to trees, public property, persons or any matter whatsoever resulting from such moving. This provision 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 and no permit shall authorize any moving under conditions which will

promote such damage.

Section 5-37. Pavement Cutting Permits.

It shall be unlawful for any person to cut any pavement on any street or alley within the Town of Burns Flat, Oklahoma, without first obtaining a permit from the Office of the Town Clerk-Treasurer. Said permit shall be approved by the Mayor, Acting Mayor, or Town Administrator as herein provided.

Section 5-38. Ditching Permits.

1. It shall be unlawful for any person to initiate any ditching operation involving any public easement, right-of-way, place, area or building within the Town of Burns Flat, Oklahoma, without first obtaining a permit from the Office of the Town Clerk-Treasurer. Said permit shall first be approved by the Mayor, Acting Mayor, or Town Administrator.
2. Ditching permits 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 or Town Administrator prior to initiating work. Said map shall show, or have placed upon it by the Mayor, all municipal utility line locations in the project area, and all areas of public easement, rights-of-way, places, areas or buildings potentially affected by the proposed project.
 - b. The applicant shall provide written proof that he has coordinated his project with all other applicable utility companies (telephone, electric, gas and CATV) and is aware of the locations of all such lines.
 - c. The applicant shall provide a bond or cash deposit suitable to the Town Board as to dollar amount and form but in no case less than one thousand dollars (\$1,000.00), to insure that any damages will be repaired. Upon completion of the project, the Town Board 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 as determined by resolution of the Town Board of Trustees.

Section 5-39. Permits for Pipes and Cables Across Streets.

1. 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 Burns Flat, Oklahoma. Said permit shall first be approved by the Mayor, Acting Mayor or Town Administrator as herein provided.
2. The application for the permit shall specify:
 - a. The location of the pipe, cable, wire conduit or line; and
 - b. The privileges and proposed terms which the applicant desires to secure from the Town and to exercise.
3. The Mayor, Acting Mayor or Town Administrator will grant the permit on written terms which are mutually agreeable. The Town Board may revoke said permit after adequate opportunity for a public hearing for any of the following reasons:
 - a. Failure to abide by the terms on which the permit was granted;
 - b. Violation of State Law or municipal ordinances; or
 - c. Protection of the public peace, health, safety or welfare.
4. The applicant shall pay such fees for such permit and for its periodic renewal, as the Town Board of Trustees may establish by resolution.
5. The Mayor or Acting Mayor may refuse to renew a permit.

6. 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 effect.

Section 5-40. 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, dispensing 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. No storage or liquefied petroleum gas, except by retail customers in reasonable amounts for their own use, shall be permitted within the corporate limits of the Town of Burns Flat, Oklahoma.

Section 5-41. (Reserved for Future Use.)

Section 5-42. Movement of Frame Buildings.

No frame building shall be moved from without to within the corporate limits of the Town of Burns Flat, Oklahoma, which by reason of its age, state of repair, condition of wiring or which, for any other reason, is unfit for human habitation or which might endanger the public peace, safety, health or welfare.

Section 5-43. Plumbing Registration Required; Fees; Revocation.

1. Any person engaged or about to engage in the business of plumbing in the Town of Burns Flat, Oklahoma, shall register with and obtain a permit from the Town Clerk-Treasurer, before they can engage in said business. Registration shall include proof of state license. A registration fee of twenty-five (\$25.00) shall be paid to the Town Clerk-Treasurer.
2. No person shall do any gas fitting, extensions, connection of fixtures or repairs to any gas fitting, except a registered plumber, as provided in this Code of Ordinances.
3. Violations of relevant Sections of this Code may result in the revocation of registration and, if warranted, prosecution in Section 4-70, this Code.

Reference: 59 O.S. § 1020.

Section 5-44. Plumbing Permit.

1. In addition to the registration fee required under Section 5-43 above, the applicant shall obtain a permit from the Town Clerk-Treasurer. The cost of such permit shall be five dollars (\$5.00) and shall be required prior to each plumbing contract in the amount of one thousand dollars (\$1,000.00) or more, performed by applicant within the Town of Burns Flat. The application for permit shall contain a description of the work to be done.
2. Nothing in this provision shall relieve a plumber from obtaining ditching and pavement cutting permits as required in this Code.

Reference: 59 O.S. § 1016.

Section 5-45. Registration of Electricians; Fees; Revocation.

1. All persons, firms, partnerships, corporations or individuals, engaged locally or hereafter engaging, in the business of installing electrical fixtures, wiring or apparatus in or on any building within the corporate limits of the Town of Burns Flat, Oklahoma, shall register with the Town Clerk-Treasurer before they may engage in said business. Registration shall include proof that a state license has been obtained. A registration fee of twenty-five (\$25.00) shall be paid to the Town Clerk-Treasurer.
2. Registration is current for a period of one (1) year, or any part thereof, and shall be renewed on the 10th of June of each year.

3. Violations of the Electrical License Act and relevant Sections of this Code may result in the revocation of registration and, if warranted, prosecution under Section 5-70, this Code.

Reference: 59 O.S. § 1696.

Section 5-46. Electrical Permits.

1. In addition to the registration fee required under Section 5-45 above, the applicant shall obtain a permit from the Town Clerk-Treasurer. The cost of such permit shall be five dollars (\$5.00) and shall be required prior to each electrical contract in the amount of one thousand dollars (\$1,000.00) or more, performed by the applicant within the Town of Burns Flat. The application for permit shall contain a description of the work to be done.
2. Nothing in this provision shall relieve an electrical contractor from obtaining ditching and pavement cutting permits and posting bonds as required in this Code.

Reference: 59 O.S. § 1693.

Section 5-47. Officers and Employees Not Liable.

1. Any officer or employee of the Town of Burns Flat, Oklahoma, charged with the enforcement of this Chapter and acting in good faith and without malice, for the Town of Burns Flat, Oklahoma, in the discharge of his duties, shall not thereby render himself liable personally and he 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 by him in the enforcement of any provisions of such Codes may be defended by the Town attorney until the final termination of the proceedings.

Section 5-48 through 5-69. (Reserved for future use.)

Article 4. Penalty.

Section 5-70. Penalty.

Any person, firm or corporation who shall fail to do anything required by this Chapter or by any code adopted by this Chapter, who shall otherwise violate any provision of this Chapter or of any Code adopted by this Chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code. Each day in which a violation continues shall be deemed a separate offense. In addition to such fine or imprisonment, licenses issued under this Chapter may be revoked.

CHAPTER 6

BUSINESSES AND OCCUPATIONS

- Article 1. Occupation Licenses and Taxes.
- Article 2. Itinerant Occupations.
- Article 3. Fair Housing.
- Article 4. Miscellaneous Provisions.
- Article 5. Penalty.

Article 1. Occupation Licenses and Taxes.

Section 6-1. Licenses and Taxes.

The Town Board of Trustees hereby levies a license tax upon occupations as set forth in this Chapter and elsewhere in this Code. The taxes so levied shall be collected by the Town Clerk-Treasurer prior to issuance of each license. Revenues from said taxes shall be deposited by the Town Clerk-Treasurer in accordance with Section 2-78 of this Code.

Reference: 11 O.S. § 22-106, 22-107.

Section 6-2. Transfer of License Prohibited.

No license shall be assigned or transferred.

Reference: 11 O.S. § 22-107.

Section 6-3. Revocation of License.

A license may be revoked by the Town Board of Trustees, after adequate notice and opportunity for hearing, if:

1. The licensee is pursuing or engaging in a business or occupation in such a manner that he has created or is creating a public nuisance; or
2. The licensee has committed a serious or repeated violation of state law or municipal ordinance.

Reference: 11 O.S. § 22-106.

Section 6-4. Suspension of License.

A license may be suspended by the Town Board of Trustees in any case in which revocation action has been initiated. A suspension of license may remain in effect until conclusion of revocation action or for forty-five (45) days, whichever occurs first.

Section 6-5. Expiration of License.

Any license issued by the Town Board shall expire one (1) year after the date of issuance or on June 30 each year unless earlier specified.

Reference: 11 O.S. § 22-107.

Section 6-6 through 6-9. (Reserved for future use.)

Article 2. Itinerant Occupations.

Section 6-10. "Itinerant Occupations" Defined.

"Itinerant occupations" shall mean those occupations, trades, and businesses having no permanent warehouse, building, structure, residence or place of business within the Town of Burns Flat, 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 Chapter),

and shall include occupations, trades, and businesses 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 upon the streets and sidewalks of the Town of Burns Flat, 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 bylaws of said organization, association or club and the majority of said members being residents of the Town of Burns Flat or of Washita County, Oklahoma, shall be considered an "itinerant occupation."

Section 6-11. Itinerant Occupation Licenses; Fees.

1. It shall be an offense for any persons to engage in any kind of itinerant occupation in the Town of Burns Flat, Oklahoma, without first having obtained an Itinerant Occupation License from the Office of the Town Clerk-Treasurer.
2. There is hereby levied an itinerant occupation tax in the amount as established by motion of the Town Board of Trustees against persons, firms, associations and corporations engaged in itinerant occupations within the Town of Burns Flat, Oklahoma.

Reference: See, 11 O.S. § 22-106.

Section 6-12. Itinerant Occupation Licenses Provisions.

1. Every person, firm, association or corporation who engages in an occupation or business for which an Itinerant Occupation License is required, shall pay the tax and secure a separate license for each such business or occupation.
2. Every holder of an itinerant occupation license shall carry the license and shall display it to any person who requests to see it.
3. Whenever an Itinerant Occupation License has been lost or destroyed without any wrongful act or connivance by the holder, the Town Clerk-Treasurer, on application, may issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with said Town Clerk-Treasurer an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made a diligent search for it and has not been able to find it.
4. No person, firm, association or corporation to whom an Itinerant Occupation License has been issued shall conduct or pursue the business or occupation for which such license is issued at anytime on a Sunday or holiday or between the hours of 7:00 o'clock p.m. and 6:00 o'clock a.m. (on the following day), on any day unless expressly authorized by the Town Board.

Section 6-13 through 6-14. (Reserved for future use.)

Article 3. Fair Housing.

Section 6-15. Policy.

It is the policy of the Town of Burns Flat to provide, within constitutional limitations, for fair housing throughout the Town.

Section 6-16. Definitions.

1. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
2. "Family" includes a single individual.
3. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representative, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
4. "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

5. "Discriminatory housing practice" means an act that is unlawful under sections 6-18, 19 and 20.

Section 6-17. Unlawful Practice.

Subject to the provisions of subsection below and section 6-21, the prohibitions against discrimination in the sale or rental of housing set forth in section 3 shall apply to:

1. All dwellings except as exempted by subsection below.
2. Nothing in section 6-18 shall apply to:
 - a. Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale of rental of, more than three such single-family houses at any one time: Provided further, that the sale or rental of any such single-family house shall be excepted from the applications of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of section 6-18 of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.
3. For the purpose of subsection above, a person shall be deemed to be in the business of selling or renting dwellings if:
 - a. he/she has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - b. he/she has, within the preceding twelve months, participated as an agent, other than in the sales of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - c. he/she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Section 6-18. Discrimination in the Sale or Rental of Housing.

As made applicable by section 6-17 and except as exempted by section 6-17 subsection and 6-21, it shall be unlawful:

1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, national origin, handicap, or familial status.
2. To discriminate against any person in the terms, condition, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, national origin, handicap, or familial status.
3. To make, print, or publish, or cause to be made, printed, or publish any notice, statement, or advertisement, with respect to the sale or rental of dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, or national origin, handicap, or familial status or an intention to make any such preference, limitation, or discrimination.

4. To represent to any person because of race, sex, color, religion, or national origin that any dwelling is not available or inspection, sale, or rental when such dwelling is in fact so available.
5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons, of a particular race, sex, color, religion or national origin, handicap, or familial status.

Section 6-19. Discrimination in the Financing of Housing.

It shall be unlawful for any bank, building or loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, construction, improving repairing, or maintaining a dwelling, or to discriminate against him/her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, sex, color, religion, national origin, handicap, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 6-17.

Section 6-20. Discrimination in the Provision of Brokerage Services.

It shall be unlawful to deny any person access to membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership, or participation, on account of race, sex, color, religion, national origin, handicap, or familial status.

Section 6-21. Exemption.

Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such person, unless membership in such religion is restricted on account of race, sex, color, national origin, handicap or familial status. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 6-22. Administration.

1. The authority and responsibility for administering the Act shall be in the Chief Executive Officer of the Town of Burns Flat.
2. The Chief Executive Officer may delegate any of these functions, duties, and powers, to employees of the Town or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The Chief Executive Officer shall by rule prescribe such rights of appeal from the decisions of his/her hearing examiners or to himself/herself, as shall be appropriate and in accordance with law.
3. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Executive Officer to further such purposes.

Section 6-23. Education and Conciliation.

Immediately after the enactment of this ordinance, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purpose of this ordinance. He/she shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advice to work other programs of voluntary compliance and of enforcement.

Section 6-24. Enforcement.

1. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be such form as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to resolve the complaints, he/she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the Chief Executive Officer shall make public any information in violation of this provision and shall be (upon conviction) fined not more than \$1,000.00 or imprisoned not more than one year.
2. A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the aggregations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
3. If within thirty days after a complaint is filed with the Chief Executive Officer, the Chief Executive Officer has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.
4. If the Chief Executive Officer has been unable to obtain voluntary compliance within thirty days of the complaint, the persons aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
5. If any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
6. Whenever an action filed by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance.

Section 6-25. Investigations; Subpoenas; Giving of Evidence.

1. In conducting an investigation the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided however, That the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoena to complete his access to or the production of such materials, or the appearance of such person, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations that would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.
2. Upon written application to the Chief Executive Officer, a Respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at this request.
3. Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him/her.

4. Within five (5) days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he/she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
5. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or other person at whose request it was issued may petition for its enforcement in the Municipal or State court for the district in which the person to whom the subpoena was addressed resides, was served, to transacts business.
6. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than \$1,000.00 or imprisonment not more than one year, or both.
7. The Town Attorney shall conduct all litigation in which the Chief Executive Officer participates as a party or as amicus pursuant to this ordinance.

Section 6-26. Enforcement by Private Persons.

1. The rights granted by sections 6-17, 18, 19 and 20 may be enforced by civil action in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided however, that the court shall continue such civil case brought pursuant to this section or section 6-24 from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complaint made to the Chief Executive Officer and which practice forms the basis for the action in court: And provided, however, that any sale, encumbrance, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this ordinance shall not be effected.
2. The court may grant as relief, as it deemed appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than one thousand dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorneys fees in the case of a prevailing plaintiff. Provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

Section 6-27. Interference, Coercion or Intimidation.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or an account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 6-17, 18, 19 and 20. This section may be enforced by appropriate civil action.

Section 6-28. Separability of Provisions.

If any provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 6-29. Prevention of Intimidation in Fair Housing Cases.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

1. Any person because of his/her race, color, religion, national origin, handicap or familial status and because his is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings: or
2. Any person because he/she is or has been, or in order to intimidate such person or any other person or any class of person from:

- a. participating, without discrimination on account of race, color, religion, national origin, handicap or familial status, in any of the activities, services, organizations or facilities described in subsection 6-29; or
 - b. affording another person or class of persons opportunity or protection so to participate; or
3. Any citizen because he/she is nor has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, national origin, handicap or familial status, in any of the activities, services, organizations or facilities described in subsection 6-29 or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate: shall be guilty of an offense and shall be punished as provided for in Section 1-20 of this Code.

Section 6-30 through 6-34. (Reserved for future use.)

Article 4. Miscellaneous Provisions.

Section 6-35. Occupations Subject to License or Registration.

Occupations other than itinerant occupations which are subject to license or registration under other provisions of this Code include:

- | | |
|---|-----------|
| 1. Alcoholic Beverages; manufacturers, distributors, and sellers: | Sec. 3-5 |
| 2. Low-point Beer; retail dealers: | Sec. 3-16 |
| 3. Pet Shops and Kennels | Sec. 4-13 |
| 4. Plumbers | Sec. 5-44 |
| 5. Electricians | Sec. 5-46 |

Section 6-36. 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 exercising dominion over said property.

Section 6-37. Shooting Galleries.

Every shooting gallery constructed, established, set up or operated hereafter within the corporate limits of the Town of Burns Flat, Oklahoma, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of state law. No shooting gallery shall be operated until any permits or licenses required by this Code of Ordinances have been secured therefore.

Reference: 63 O.S. § 701-708.

Section 6-38. 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.

Reference: 2 O.S. § 5-61h.

Section 6-39 through 6-44. (Reserved for future use.)

Article 5. Penalty.

Section 6-45. Penalty.

Any person who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code. In addition to any such fine and costs, any license issued hereunder may be revoked. Each day upon which a violation continues shall constitute a separate offense.

CHAPTER 7

CIVIL DEFENSE

- Article 1. Department of Civil Defense.
- Article 2. Miscellaneous Provisions.
- Article 3. Penalty.

Article 1. Department of Civil Defense.

Section 7-1. Department of Civil Defense Created.

(See Chapter 2, Sections 2-38, and 2-39.)

Section 7-2 through 7-9. (Reserved for future use.)

Article 2. Miscellaneous Provisions.

Section 7-10. Definitions.

1. Civil Defense. The term “civil defense” shall mean the preparation for, and carrying out of, all emergency functions, other than functions for which primary responsibility is assigned elsewhere by Federal, State or local law or Ordinance, to protect the public peace, health and safety and to preserve lives and property in the Town of Burns Flat, Oklahoma, during any emergency resulting from enemy attack, sabotage or other hostile action, or from any flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near said community, and involving imminent or actual peril to life and property. These functions include administration, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communications service, streets and sewers service, utilities service, general engineering service, plant protection service, supply service, mutual aid, mobile support, evacuation and all other functions necessary or incidental to the preparation for any carrying out of the foregoing functions.
2. Enemy-Caused Emergency. The term “enemy-caused emergency” shall mean any state of emergency caused by actual or impending attack, sabotage or other hostile action, anywhere within the United States and involving imminent peril to lives and property in the Town of Burns Flat, Oklahoma. Such emergency shall be deemed to exist only when the Mayor shall so declare by public proclamation and such emergency shall be deemed to exist until the aforesaid Mayor shall declare its termination by public proclamation or until the Town Board of Trustees shall declare its termination by Resolution.
3. Natural Emergency. The term “natural emergency” shall mean any state of emergency caused by an actual or impending flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near the Town of Burns Flat, Oklahoma, and involving imminent peril to lives and property. Such emergency shall be deemed to exist and to be terminated under the same conditions as prescribed for an “enemy-caused emergency.”

Section 7-11. Liability.

1. Neither the Town of Burns Flat, Oklahoma, nor any officer or member of the Civil Defense Organization provided for in this Code of Ordinances, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civil defense worker or member of any agency engaged in civil defense activity prior to, or during, either an enemy caused or a natural emergency.
2. Nor shall the Town or any such officer or member be liable for the death or injury of any persons, or damage to property, resulting from such civil defense activity prior to, or during, either enemy-caused or a natural emergency.

Section 7-12. Federal, State or Private Aid May be Accepted.

Whenever the Federal government, the State of Oklahoma, or any person, firm or corporation shall offer to the Town of Burns Flat, Oklahoma, any services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense,

the Mayor may accept such offer and may authorize the Director of Civil Defense to receive the same, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

Section 7-13. Emergency Operations Center.

1. A Civil Defense Emergency Operations Center is hereby established for the Town of Burns Flat, Oklahoma.
2. Operation of the Center shall be in conformance with appropriate rules and regulations adopted by motion of the Town Board of Trustees.

Section 7-14 through 7-19. (Reserved for future use.)

Article 3. Penalty.

Section 7-20. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 8

FIRE PROTECTION

- Article 1. Fire Protection.
- Article 2. Fireworks and Explosives.
- Article 3. Penalty.

Article 1. Fire Protection.

Section 8-1. Volunteer Fire Department.

1. There is hereby established for the Town of Burns Flat, Oklahoma a Volunteer Fire Department under the provisions of the Oklahoma Volunteer Fireman's Act. (See Chapter 2, Section 2-32 and 2-33, this Code.)

Reference: 11 O.S. § 29-101; 29-201.

2. The Burns Flat, Oklahoma Volunteer Fire Department shall consist of not less than six (6) and not more than twenty (20) members.

Reference: 11 O.S. § 29-203.

Section 8-2. Minimum Rules and Regulations of Volunteer Fire Department.

1. The fire department shall adopt a code of minimum rules and regulations in substantial compliance with the following:
 - a. The Fire Chief:
 - (1) The Chief shall be the head of the department, subject to the laws of the State of Oklahoma, ordinances of this municipality, and the rules and regulations adopted pursuant to this Section. The Chief shall be appointed in the manner provided by the law applicable to this municipality for the appointment of municipal officers.
 - (2) The Chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him by law or the municipality.
 - (3) The Chief may inspect or cause to be inspected by members of the department, the municipal fire hydrants, cisterns, and other sources of water supply of the municipality at least twice a year.
 - (4) The Chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members.
 - (5) The Chief shall make every effort to attend all fires and shall direct the officers and members in the performance of their duties.
 - (6) The Chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.
 - (7) The 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. The Chief shall secure and preserve all possible evidence for future use in the case of suspicious incendiarism.
 - (8) The Chief shall file the appropriate activity report forms with the Office of the State Fire Marshall on an annual basis. The activity report forms shall be designed by the State Fire Marshall and shall include, but not be limited to, the amount of property and vehicle fire loss, types of fires, inspections and investigations. The report shall include notification of all fire-related civilian deaths and injuries in the respective jurisdiction and of the firefighter deaths in the line of duty and of firefighter injuries in the line of duty requiring the services of a hospital or physician or both.

b. The Assistant Chief:

In the absence of the Chief, the assistant Chief on duty shall command the department and shall have the full powers and responsibilities of the Chief.

c. Company Officers:

The company officers shall be selected upon their:

- (1) Knowledge of firefighting,
- (2) Leadership ability, and
- (3) Knowledge of firefighting equipment.

d. The Secretary/Treasurer:

One member elected by the fire department shall be secretary/treasurer. His duties shall consist of the following:

- (1) Calling the roll at the opening of each meeting,
- (2) Keeping the minutes of each meeting, and
- (3) Collecting any money due the department by the members.

e. New Members:

- (1) All new members shall be on probation for one (1) year after their appointment.
- (2) New volunteer members upon completion of their probation period must be approved by the majority of the fire department.

f. By-laws:

The by-laws of the department shall include but shall not be limited to the following:

- (1) All volunteer fire fighters are required to respond to alarms of fire and other emergencies when notified.
- (2) A volunteer fire fighter is 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 regular business meeting each month.
- (4) Any volunteer fire fighter having two unexcused absences in succession or three unexcused absences in a period of three (3) months will be expelled from the fire department rolls.
- (5) Volunteer fire fighters leaving the municipality for an extended period of time will be expelled from the rolls.
- (6) Any volunteer fire fighter refusing to attend training classes provided for him will be expelled from the rolls.
- (7) Any volunteer member of the fire department shall be expelled from the rolls for the following offenses:
 - (a) Conduct unbecoming of a firefighter,
 - (b) Any act of insubordination,
 - (c) Neglect of duty,
 - (d) Any violation of rules and regulations governing the fire department, or
 - (e) Conviction of a felony.

Reference: 11 O.S. § 29-204.

2. Copies of this Code of Ordinances and any amendments thereto relating to the Volunteer Fire Department of the Town of Burns Flat, Oklahoma, shall be submitted to the State Insurance Commission when such Ordinances are adopted or amended by the Town Board.

Reference: 11 O.S. § 29-205.

Section 8-3. Fire Prevention Code: Enforcement; Variances.

1. The Fire Prevention Code adopted by the Town Board of Trustees shall be enforced by the Burns Flat, 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 he deems it necessary. (See Section 5-1, this Code.)
2. The Chief of the Burns Flat, 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 his 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 modifications, 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 to the applicant.

Sections 8-4 through 8-19. (Reserved for future use.)

Article 2. Fireworks and Explosives.

Section 8-20. Unlawful Sale and Possession of Fireworks.

It shall be unlawful for any person, firm, partnership or corporation to offer for sale or to possess any firework within the corporate limits of the Town of Burns Flat at any time during the year.

Reference: 68 O.S. § 1631.

Section 8-21. Unlawful Use of Fireworks.

It shall be unlawful for any person, firm, partnership, or corporation to discharge, ignite, or use fireworks within the corporate limits of the Town of Burns Flat, Oklahoma.

Reference: 68 O.S. § 1627.

Section 8-22. Definition.

The term "fireworks" shall mean and include any composition or device for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and which is defined as common or special fireworks by the United States Department of Transportation (DOT). The term "fireworks" shall not include toy cap pistols and caps, blank cartridges, railroad flares and model rockets.

Reference: 68 O.S. § 1622.

Section 8-23. Explosives.

1. It shall be unlawful for any person or persons to store, keep, have on their premises or in their possession, any explosive materials of any kind or nature without first certifying to the Fire Chief that such person has complied fully 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.

Reference: 63 O.S. § 141.1 et. seq.

Sections 8-24 through 8-29. (Reserved for future use.)

Article 3. Penalty.

Section 8-30. Penalty.

Any person, firm or corporation who shall fail to do anything required by this Chapter or by any Code adopted by this Chapter, who shall otherwise violate any provision of this Chapter or of any Code adopted by this Chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as set forth in Section 1-20 of this code. Each day in which a violation continues shall be deemed a separate offense.

CHAPTER 9

HEALTH, SAFETY AND NUISANCES

- Article 1. Contagious Disease.
- Article 2. Nuisances and Health Generally.
- Article 3. Weeds and Trash.
- Article 4. Dilapidated Buildings.
- Article 5. Food Service Sanitation.
- Article 6. Milk and Milk Products.
- Article 7. Junk or Abandoned Vehicles.
- Article 8. Miscellaneous Provisions.
- Article 9. Penalty.

Article 1. Contagious Diseases.

Section 9-1. 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 any public place in the Town of Burns Flat, Oklahoma. The purpose of this provision is to avoid exposing other persons to such a disease.

Reference: 11 O.S. § 22-120; see also 21 O.S. § 1199.

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 Burns Flat, 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.

Reference: 11 O.S. § 22-120; see also, 63 O.S. § 1-507.

3. No person suffering from, or infected with, the communicable form of a venereal disease or Acquired Immune Deficiency Syndrome (AIDS), shall engage in any occupation involving food or food products or intimate contact with persons.

Reference: See, eq., 63 O.S. § 1-519.

Section 9-2. Report of Contagious Diseases.

1. Every physician practicing in the Town of Burns Flat, 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, acute anterior, poliomyelitis (infantile paralysis), epidemic cerebrospinal meningitis, whooping cough, mumps, or any other pestilential, infectious or contagious disease.
2. Syphilis, gonococcus infection and Cancroid 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 prevention and control of the diseases stated hereinbefore shall apply to all cases of this nature, after said report is made.

Reference: See, generally, 63 O.S. § 1-503.

Section 9-3. 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 Officials.

Reference: 63 O.S. § 1-504.

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.

Reference: 21 O.S. § 1195.

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.

Sections 9-4 through 9-9. (Reserved for future use.)

Article 2. Nuisances and Health Generally.

Section 9-10. Definitions.

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

1. "Nuisance" means unlawfully doing an act, or omitting to perform a duty, or is any thing or condition which either:
 - a. Annoys, injures or endangers the comfort, repose, health or safety of others;
 - b. Offends decency;
 - c. Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
 - d. In any way renders other persons insecure in life or in the use of property;
2. "Private nuisance" means every nuisance not included in paragraph 3 of this section; and
3. "Public nuisance" means a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, or three (3) or more properties under separate ownership in the vicinity of such nuisance, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

Reference: 50 O.S. § 1 et seq.

Section 9-11. Certain Public Nuisances Defined.

1. In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:
 - a. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
 - b. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or 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;
 - c. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
 - d. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
 - e. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;
 - f. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
 - g. The public exposure of a person having a contagious disease;

- h. 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;
- i. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others;
- j. 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;
- k. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk where mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;
- l. 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;
- m. 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;
- n. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
- o. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
- p. Any fire or explosion hazard which endangers the public safety;
- q. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
- r. Permitting bagworms to be upon any trees or other plants within the town;
- s. 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;
- t. 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;
- u. The keeping in violation of Sections 4-13 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;
- v. Any vault, cesspool or sink used to receive human excrement, slops, garbage, refuse or other filthy substance;
- w. 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;
- x. The keeping of any hog pen within the limits of this town in violation of this code;
- y. 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;
- z. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of this town;
- aa. Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box or other receptacle in this town;

- bb. 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.
 - cc. The outside storing of interior household furniture and household appliances when such items are easily visible to the public from the street(s) abutting the property and create the potential to diminish nearby property values.
2. 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 9-12. Nuisances Prohibited.

No person shall create or maintain a nuisance within the town or permit a nuisance to remain on premises under his control within the town.

Section 9-13. 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 therefore in the same manner as the person who first created it.

Section 9-14. Time Does Not Legalize Nuisance.

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

Section 9-15. Remedies Against Public Nuisances.

The remedies against a public nuisance are:

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

Section 9-16. Remedies Against Private Nuisances.

The remedies against a private nuisance are:

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

Section 9-17. Town has Power to Define and Summarily Abate Nuisance.

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

Section 9-18. Summary Abatement of Nuisances.

- 1. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and

even to require, the town or other appropriate officer or agency of the town government to take immediate and proper action summarily to abate such nuisances or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

2. An officer of the town may submit a statement as to the existence of a nuisance as defined by the ordinances of the town or law, and a request or recommendation that it be abated.
3. The town or its designee shall determine if a nuisance exists as defined by the ordinances of the town or law. If a nuisance does in fact exist, town personnel shall direct the owner or other persons responsible for or causing the nuisance by:
 - a. Certified mail; or
 - b. By publication if the owner cannot be so served or found, to abate the nuisance within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, or if the persons responsible authorize the town to abate the nuisance, the town shall direct the appropriate officer to abate the nuisance or have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The town shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. At the same time, the town clerk-treasurer shall 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, and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. 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 the 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. The cost and the interest thereon shall 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.
4. The determination of the existence of a nuisance and order to abate it, as made by the town, may be appealed by the occupant or owner or person causing the nuisance by filing a request for hearing in writing with the town within the period of time specified in the notice for abatement of the nuisance. The town clerk-treasurer shall cause the matter to be placed on the agenda of the town board of trustees for final determination with appropriate notice of the hearing provided to the person requesting the appeal.

Section 9-19. Health Nuisances; Abatement.

1. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the town shall have the authority to order the owner or occupant of any private premises in the town to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be reasonable. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the town or by a police officer or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown or is outside the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town.
2. If the order is not complied with, the town may cause the order to be executed and complied with, and the cost thereof shall be certified and the cost of removing or abating such nuisance shall be charged to the owner or occupant, enforceable as a lien as provided in Section 9-18 or any other method allowed by law or ordinance.

Section 9-20. 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 9-21. Unauthorized Dumping, Depositing or Disposal of Trash on Property of Another.

1. 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.
2. 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.
3. Any person, firm or corporation who violates this section shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs not to exceed five hundred dollars (\$500.00).

Section 9-22. 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, combustible refuse, leaves, weeds, papers, refuse, garbage or any other substance except 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 9-23. 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 9-24. Procedure Cumulative.

The procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative one to the other. The town may elect to follow any such procedure which is applicable in abating any particular nuisance.

Section 9-25. Toilet Facilities Required.

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

5. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies and closets so constructed, situated or maintained as to endanger the public health are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.
6. No residence, business or commercial building, nor any other premises in the town, which are capable of discharging waste water, shall be, connected to or in any manner served by a septic tank; no such person shall allow the installation, maintenance, operation or use of any septic tank in violation of this section.

Section 9-26. Obstructing Health or Enforcement Officer.

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

Section 9-27. 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. "Litter" means trash, refuse, rubbish and all like material.

Article 3. Weeds and Trash.

Section 9-28. Definitions.

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

1. "Administrative officer" means the person so designated by the town board of trustees;
2. "Cleaning" means the removal of trash from property;
3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer;
4. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned; and
5. "Weed" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
 - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - c. Harbors rodents or vermin;
 - d. Gives off unpleasant or noxious odors;
 - e. Constitutes a fire or traffic hazard; or
 - f. Is dead or diseased.

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

Section 9-29. Accumulation of Trash or Weeds Unlawful.

1. It is unlawful for any owner or occupants 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.
2. No owner or occupant of land or lots shall:
 - a. Knowingly permit the throwing or dumping upon his premises of any refuse, rubbish or trash, or
 - b. 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.
3. In addition to a penalty for violation of this section 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.

Reference: 11 O.S. § 22-110.

Section 9-30. 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.

Section 9-31. 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.

Reference: 11 O.S. § 22-111.

Section 9-32. 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 by mail at the address shown by the current year's tax rolls in the county treasurer's office before the hearing provided for herein or before action may be taken. 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/or private contract, and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the town;

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 addressee. However, if the property owner can not be located within ten (10) days from the date of mailing the same, notice may be given by posting a copy of the notice on the property or by publication, as provided by Section 102.8 of Title 11 of the Oklahoma Statutes, one time not less than ten (10) days prior to any hearing or action;
4. If the town anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by mail or publication, 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 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 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. A hearing may be 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;
8. 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 shall 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, and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;
9. 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;
10. 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 the 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. The cost and the interest thereon shall 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;
11. 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 clerk-treasurer shall forward to the county treasurer a notice of such payment and directing discharge of the lien or part thereof; and
12. The provisions of this section shall not apply to any property used for agricultural purposes.

Article 4. Dilapidated Buildings.

Section 9-33. Definitions.

For the purposes of this section:

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 the neglect of necessary repairs to a building or allowing it to fall into a state of decay or allowing it to fall into partial ruin to such an extent that the building is a hazard to the health or safety or 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.

Reference: 11 O.S. § 22-112, 22-112.1.

Section 9-34. Report to be Made.

Any officer or employee of this town who discovers or receives a report of a dilapidated building which has become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of property, shall report such conditions to the administrative officer.

Section 9-35. Condemnation, Boarding and Securing of Dilapidated Buildings, Notice, Removal, Lien Payment.

The administrative officer may cause dilapidated buildings within the town limits to be torn down and removed, or boarded or secured, in accordance with the following procedure:

1. At least fifteen (15) days' notice shall be given to the owner of the property before the town takes action or holds a hearing as provided herein. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, 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 addressee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined by Section 1-102 of Title 11 of the Oklahoma Statutes. Such notice may be published once not less than fifteen (15) days prior to any hearing or action to be taken pursuant to this section;
2. A hearing shall be held by the administrative officer to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community, or creates a fire hazard to the danger of property, or needs to be boarded and secured;
3. If the administrative officer finds that the condition of the property constitutes a detriment or a hazard, and that the property would be benefited by the removal of such conditions, or by its boarding and securing, the administrative officer may cause the dilapidated building to be torn down and removed, and boarded and secured, and shall fix reasonable dates for the commencement and completion of the work. The town clerk-treasurer shall immediately file a notice of lien with the county clerk describing the property, the findings of the administrative officer at the hearing, and stating that the town claims a lien on the property for the destruction and removal, boarding and securing costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;
4. The property owner shall have a right of appeal to the town administrative officer, or if the order is rendered by the town administrative officer, then the right to appeal is to the town board of trustees. The appeal shall be filed in writing with the town clerk-treasurer within ten (10) days after the administrative order is rendered;

5. If the work is not performed by the property owner within the dates fixed by the administrative officer, the administrative officer shall direct the tearing down and removal, or boarding and securing, be done by one of the following methods:
 - a. By the town, provided that the actual cost of the labor, maintenance, and equipment does not exceed five hundred dollars (\$500.00);
 - b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;
6. After the building has been torn down and removed, or boarded and secured, the administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings, or the boarding and securing, and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing. The town clerk-treasurer shall forward a statement of such actual cost attributable to the dismantling and removal or boarding and securing and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be mailed to any mortgage holder at the address specified in this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, 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 mailer;
7. If payment is not made within six (6) months 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 the county in which the property is located. The town shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the cost shall be fully paid;
8. When payment is made to the town for costs incurred, the town shall file a release of lien or part thereof;
9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes; and
10. Nothing in this section shall prevent the town from otherwise abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the public health, safety or welfare.

Reference: 11 O.S. § 22-112.

Section 9-36. 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 section; 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 section; and in which any of the following conditions exist:
 - a. The premises have not been cleaned up;
 - b. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;
 - c. The materials removed but the cellar space and excavations have not been filled;
 - d. 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
 - e. 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 section by having all of the things done.

Section 9-37. Penalty.

Any person who shall tear down or begin the tearing down of any house or building within the town limits of the town without having first procured permit therefore as herein provided shall be guilty of an offense against the town and upon conviction thereof shall be punished as provided in Section 1-20 of this code.

Article 5. Food Service Sanitation.

Section 9-38. Regulations Adopted.

The latest edition of the "Oklahoma State Department of Health Rules and Regulations pertaining to Food Establishments" is hereby adopted and incorporated by reference in this code. At least one copy of the rules and regulations shall be on file in the office of the town clerk-treasurer. The rules and regulations shall govern except in case of conflict with the provisions of this section, in which case the more restrictive terms shall prevail.

Reference: 63 O.S. § 1-1101 et seq.

Article 6. Milk and Milk Products.

Section 9-39. Regulations Adopted.

1. The latest edition of the United States Public Health Service Recommendation "Grade A Pasteurized Milk Ordinance with Administrative Procedures" and the provisions of state law governing milk and milk products as set out in Sections 1-1301 to 1-1311 of Title 63 of the Oklahoma Statutes, as amended from time to time, are hereby adopted and incorporated by reference in this code and are enforceable by the town as fully as if they were set out at length herein. At least one copy of the milk ordinance and referenced state law shall be on file in the office of the town clerk-treasurer. The milk ordinance and the referenced state law shall govern except in case of conflict with the provisions of this chapter, in which case the more restrictive terms shall prevail.
2. Only certified pasteurized and grade A pasteurized, and certified raw or grade A raw milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments. In an emergency, however, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

Reference: 63 O.S. § 1-1201 et seq; 2 O.S. § 7-1 et. seq.

Section 9-40. Penalty.

Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-20 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.

Article 7. Junk or Abandoned Vehicles.

Section 9-41. Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. "Antique motor vehicle" means any licensed motor vehicle which is fifteen (15) years of age or older. However, the owner of the vehicle must have plans to restore the vehicles to its original condition and must have made reasonable progress within the preceding twelve (12) months toward completion of such restoration'
2. "Junk motor vehicle" means any motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;
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, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers;

4. "Private property" means any real property located within the town which is privately owned and which is not included within the definition of public property;
5. "Public property" means any street or highway which shall include the entire width between the boundary lines of every way maintained for the purpose of vehicular travel, and any other publicly owned property or facility.

Section 9-42. Storing, Parking, Prohibited.

No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled condition, whether attended or not, upon any private or public property within the town, excepting where reasonable progress is being made toward restoration or repair of such motor vehicle, for a period in excess of ten (10) days; provided, however, that the provisions of this chapter shall not apply to antique motor vehicles. This section shall not apply to any vehicle in any enclosed building, a vehicle on the premises of a business enterprise which is properly operated in the appropriate business-zone pursuant to the zoning ordinance or when any such vehicle has been placed in an appropriate storage place or depository maintained in a lawful place and manner.

Section 9-43. General Responsibility for Removal.

The owner of the abandoned, wrecked, dismantled or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for removal. In the event of removal and disposition by the town, the owner of the private property where the same is located shall be liable for the expenses incurred. However, if the occupant of the property is the owner of the vehicle, then the occupant shall be liable for any expenses incurred.

Section 9-44. Notice to Remove.

When it comes to the attention of the police chief or town zoning code enforcement officer that any vehicle is in violation of any of the provisions of this chapter, then a notice in writing shall be served on the occupant of the land where the vehicle exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the violation of this chapter, and requesting the removal of the vehicle within five (5) days of the service of the notice. Such notice may be served by posting a copy in a conspicuous place upon the private property upon which the vehicle is located and sending duplicate copies by certified mail to the owner or occupant of the private property at his last known address.

Section 9-45. Content of Notice.

The notice shall contain the request for removal within the time specified in this chapter and the notice shall advise that upon failure to comply with the notice to remove, the town, or its designee, shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

Section 9-46. Hearing.

1. The person to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the town board or its designee, within the five-day period of compliance prescribed in this chapter for the purposes of defending the charges by the town.
2. The hearing shall be held as soon as practical and possible after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing the town and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

Section 9-47. Removal by Town.

If the violation described in the notice has not been remedied within the five-day period of compliance, or in the event that notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the town board or its designee, the chief of police, or his designee, shall have the right to take possession of the vehicle and remove it from the premises. It is unlawful for any person to interfere with, hinder or refuse to allow such person to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

Section 9-48. Disposition of Removed Vehicles.

1. Upon removing a vehicle under the provisions of this chapter, the town shall, after ten (10) days, cause it to be appraised. If the vehicle is appraised at one hundred dollars (\$100.00) or less, the chief of police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The chief of police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at more than one hundred dollars (\$100.00), the chief of police shall give notice of public sale not less than ten (10) days before the date of proposed sale.
2. The notice of sale shall state:
 - a. The sale is of abandoned property in the possession of the town;
 - b. A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle;
 - c. The terms of the sale;
 - d. The date, time and place of the sale.
3. The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser and the copy thereof to be filed with the town clerk-treasurer. Should the sale for any reason be invalid, the town's liability shall be limited to the return of the purchase price. The revenues derived from any sale provided for herein shall be deposited to the general fund of the town.

Section 9-49. Redemption of Impounded Vehicles.

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Town Clerk-Treasurer of such sum as he may determine and fix for the actual and reasonable expense of removal and any preliminary sale advertising expense.

Article 8. Miscellaneous Provisions.

Section 9-50. 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 9-51 through 9-64. (Reserved for future use.)

Article 9. Penalty.

Section 9-65. Penalty.

Any person who violates any provision of this Chapter or of any Ordinances, Codes or standards adopted by reference by this Chapter, or maintains or permits to continue any public nuisance as defined by this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code. Every day upon which a violation continues shall be deemed a separate offense.

CHAPTER 10

INDUSTRIAL WASTES

- Article 1. General Provisions.
- Article 2. Industrial Wastes.
- Article 3. Penalty.

Article 1. General Provisions.

Section 10-1. Definitions.

The following words, phrases and terms used in this Chapter shall have the meanings ascribed to them in this Section, unless such interpretation would be inconsistent with the manifest intent of the Board of Trustees of the Town of Burns Flat, Oklahoma.

1. Industrial Waste. The term “industrial waste” shall mean waste resulting from any process of industry, manufacturing, trade or business or from the development of any natural resource or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.
2. Industrial Waste Charge. The term “industrial waste charge” shall mean the charge made on those persons who discharge industrial wastes into the municipal sewer system.
3. Wastewater. The word “wastewater” means a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with any ground, surface and storm water that may be present.
4. Wastewater Facilities. The term “wastewater facilities” includes all facilities for collection, pumping, treating and disposing of wastewater and industrial wastes.
5. Wastewater Service Charge. The phrase “wastewater service charge” shall mean the charge on all users of the public sewer system whose wastes do not exceed, in strength, the concentration values established as representative of normal wastewater.

Section 10-2. Power to Enter Property.

1. Officially-designated municipal representatives and other duly authorized municipal employees bearing proper credentials and identification are entitled to enter any public or private property, at any reasonable time, for the purpose of enforcing this Chapter.
2. Anyone acting under this authority shall observe the rules and regulations concerning safety, internal security and fire protection.

Section 10-3. Authority to Disconnect Service.

The Town may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:

1. Acids or chemicals damaging to sewer lines or treatment process are released to the sewer, causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
2. A governmental agency informs the Town that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the municipal system that cannot be sufficiently treated or requires treatment that is not provided as normal domestic treatment; or
3. The industrial customer:
 - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving governmental authority;
 - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

- c. Fails to pay monthly bills for water and sanitary sewer services when due; or
- d. Repeats a discharge of prohibited wastes to public sewers.

Sections 10-4 through 10-9. (Reserved for future use.)

Article 2. Industrial Wastes.

Section 10-10. Prohibited Discharges.

- 1. No person may discharge into public sewers any waste which by itself, or by interaction with other wastes:
 - a. Injures or interferes with wastewater treatment processes or facilities;
 - b. Constitutes a hazard to humans or animals; or
 - c. Constitutes a hazard in receiving waters of the wastewater treatment plant effluent.
- 2. No person may discharge any wastewater, industrial waste, or polluted liquids on public or private property adjacent to any area within the jurisdiction of the Town of Burns Flat unless authorized by the Oklahoma State Department of Health.

Reference: Sec., e.g. 11 O.S. § 37-115.

Section 10-11. Impairment of Facilities.

- 1. No person may discharge into public sewers any substance capable of causing:
 - a. Obstruction to the flow in sewers;
 - b. Interference with the operation of treatment processes or facilities; or
 - c. Excessive loading of treatment facilities.
- 2. No person may discharge into public sewers any substance that may:
 - a. Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - b. Overload skimming and grease handling equipment;
 - c. Pass to the receiving waters without being effectively treated by normal wastewater treatment processes, due to the non-amenability of the substance to bacterial action; or
 - d. Negatively affect the treatment process due to excessive quantities.
- 3. No person may discharge any substance into public sewers which:
 - a. Is not amenable to treatment or reduction by the processes and facilities employed; or
 - b. Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- 4. The Approving Authority shall regulate the flow and concentration of slugs when they may:
 - a. Impair the treatment process;
 - b. Cause damage to collection facilities;
 - c. Incur treatment costs exceeding those for normal wastewater; or
 - d. Render the waste unfit for stream disposal or industrial use.
- 5. No person may discharge into public sewers any viscous substances in sufficient quantity or size which may violate Subsection 1 (above), including, but not limited to:
 - a. Ashes;
 - b. Cinders;
 - c. Sand;
 - d. Mud;
 - e. Straw;
 - m. Wood;
 - n. Underground garbage;
 - o. Whole blood;
 - p. Paunch manure;
 - q. Hair and fleshings;

- | | |
|--------------|--|
| f. Metal; | r. Entrails; |
| g. Shavings; | s. Paper products, either whole or ground by garbage grinders; |
| h. Glass; | t. Slops; |
| i. Rags; | u. Chemical residues; |
| j. Feathers; | v. Paint residues; or |
| k. Tar; | w. Bulk solids. |
| l. Plastics; | |

Section 10-12. Approving Authority Review and Approval.

1. If pretreatment or control is required, the Approving Authority shall review and approve design and installation of equipment and processes. Standards for review shall be consistent with the standards adopted by the State Department of Health.
2. Any person responsible for discharges requiring pretreatment, flow-equalizing or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

Section 10-13. Sampling and Testing.

1. Sampling shall be conducted in accordance with the standard methods employed by the Oklahoma State Department of Health.
2. Examination and analyses of the characteristics of waters and wastes required by this Chapter shall be:
 - a. Conducted in accordance with the latest edition of Oklahoma State Health Department Standards; and
 - b. Determined from suitable samples taken at the control manhole provided, or other control point authorized by the Approving Authority.
3. The Town is entitled to select the time of sampling, at its sole discretion, so long as annual samples (minimum) are taken.

Section 10-14. Permits.

1. The Town may grant a discharge permit provided that the applicant:
 - a. Submits an application within one hundred and eighty (180) days after the effective date of this Chapter; and
 - b. Secures approval of plans and specifications for pretreatment facilities when required; and
 - c. Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
 - (1) Payment of reasonable industrial waste and wastewaters service charges;
 - (2) Installation and operation of pretreatment facilities; and
 - (3) Sampling and analysis to determine quantity and strength; and
 - d. Provides a sampling point subject to the provisions of this Chapter and approval of the approving authority.
2. A person applying for a new discharge shall:
 - a. Meet all conditions of Subsection 1 (above); and
 - b. Secure a permit prior to discharging any waste.

Sections 10-15 through 10-24. (Reserved for future use.)

Article 3. Penalty.

Section 10-25. Penalty.

Any person, firm or corporation who shall violate any provision of this Chapter or continues any violation beyond a time limit designated in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code. Each day on which any such violation shall continue shall be deemed a separate offense.

CHAPTER 11

MOBILE AND MODULAR HOUSING

- Article 1. General Provisions.
- Article 2. Manufactured Homes.
- Article 3. Manufactured Home Subdivisions.
- Article 4. Mobile Home and Recreational Vehicle.
- Article 5. Mobile Home Subdivisions.
- Article 6. Miscellaneous Provisions.
- Article 7. Penalty.

Article 1. General Provisions.

Section 11-1. Purpose.

1. The purpose of this Chapter is to provide areas within the corporate boundaries of the Town of Burns Flat, Oklahoma, wherein the location and development of manufactured homes, manufactured home subdivisions, mobile homes, mobile home parks, recreational vehicle and mobile home subdivisions may be safely continued and encouraged.
2. It is the purpose of this chapter to encourage the provision of alternative modest income housing in general residential areas by permitting the use of Type I and Type II Manufactured Homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements and procedures set forth herein to assure acceptable similarity in exterior appearance between such Type I and Type II Manufactured Homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.
3. It is the further purpose of this Chapter to encourage the provision of alternative modest income housing in certain residential areas by permitting the use of Type III Manufactured Housing, as defined herein, in certain specified districts, when they are shown to meet the requirements and procedures set forth herein.
4. It is the purpose of this chapter to recognize mobile homes constructed prior to June 15, 1975, as distinct and different from units designated as Manufactured Homes Types I, II and III, and to prescribe appropriate procedures and requirements for their placement in the community.
5. 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 home subdivisions, mobile home parks and subdivisions, and recreational vehicles.

Section 11-2. Definitions.

For the purpose of this Chapter, the following terms, words and phrases shall have the meanings indicated herein below:

1. Add-A-Room Unit. The term “add-a-room unit” shall mean a unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured housing section.
2. Approved. The word “approved” shall mean acceptable to the appropriate authority having jurisdiction, by reason of investigation accepted principles, or tests by nationally recognized organizations.
3. Anchoring System. The term “anchoring system” shall mean an approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home.
4. ANSI / NFPA 501 A Standard for Installation of (Manufactured) Mobile Homes. The term “ANSI / NFPA 501 A Standard for Installation of (Manufactured) Mobile Homes” shall mean those model mobile homes, as adopted and copywrited by the National Fire Protection Association and the Manufactured Housing Institute.
5. Building Code. The term “building code” shall mean the officially adopted building code in effect within the Municipality.
6. Expando Unit. The term “expando unit” shall mean an expandable manufactured housing unit.

7. Foundation Code. The term “foundation code” shall mean the “Standard for the Permanent Installation of Manufactured Homes” as adopted by Ordinance.
8. Foundation Siding/Skirting. The term “foundation siding/skirting” shall mean a type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated pressed wood or other approved materials, enclosing the entire under-carriage of the manufactured or mobile home.
9. Health Officer. The term “Health Officer” shall mean the legally-designated health authority of the Town of Burns Flat, Oklahoma (or his authorized representative), or the authorized representative of the Washita County Health Department, or the State Department of Health.
10. Inspection Officer. The term “inspection officer” shall mean the Building Official of the Town of Burns Flat, Oklahoma, or his authorized agent.
11. Licensee. The word “licensee” shall mean any person licensed to operate and maintain a mobile home park under the provisions of this Chapter.
12. Manufactured Home. The term “manufactured home” shall mean 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 types of manufactured homes (TYPE I, TYPE II, and TYPE III) are defined as meeting all the appropriate requirements of Section 4 of this chapter.
13. Manufactured or Mobile Home Community (Park). The term “manufactured or mobile home community park” shall mean a parcel of land on which two (2) or more manufactured or mobile homes are occupied as residences.
14. Manufactured Home Subdivision. The term “manufactured home subdivision” shall mean a parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.
15. Manufactured Housing Construction and Safety Standards Code. The term “manufactured housing construction and safety standards code” shall mean Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et sequential), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), which became effective for mobile/manufactured home construction on June 15, 1976.
16. Mobile Home. The term “mobile home” shall mean a transportable structure larger than three hundred and twenty (320) square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.
17. Mobile Home Dependent. The term “dependent mobile home” shall be considered to be the same as a recreational vehicle, unless otherwise specified.
18. Mobile Home Independent. The term “independent mobile home” shall mean any mobile home which meets the minimum gross floor area or habitable space requirement of any municipal regulations and which has a flush toilet and a bath or shower. Unless otherwise indicated in the text of this Chapter, the term “mobile home” shall mean an independent mobile home.
19. Mobile Home Space. The term “mobile home space” shall mean a plot of ground within a mobile home park designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.
20. Mobile Home Subdivision. The term “mobile home subdivision” shall mean any subdivision designed and intended for residential use, where residence is in mobile homes exclusively, and mobile home lots are sold for occupancy.
21. Non-Residential Mobile Trailer. The term “non-residential mobile trailer” shall mean any vehicle having the basic characteristics of either a mobile home travel trailer, but which is used for purposes other than residential and is not being offered for sale (as indicated by clearly displayed sign on or near the trailer).

22. Occupied Space. The term “occupied space” shall mean the total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.
23. Park. The term “park” shall mean a mobile home and/or recreational vehicle park.
24. Permanent Foundation. The term “permanent foundation” shall mean any structure system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.
25. Permanent Perimeter Enclosure. The term “permanent perimeter enclosure” shall mean a permanent perimeter system completely enclosing the space between the floor joist of the home and the ground.
26. Permittee. The term “permittee” shall mean any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of this Chapter.
27. Public Water or Sewer System. The terms “public water system” or “public sewer system” shall mean any such system built and owned by, or dedicated to and accepted by, the Town of Burns Flat, Oklahoma; all other such systems shall be deemed private systems.
28. Recreational Vehicle. The term “recreational vehicle” shall mean a portable vehicular structure not built to the federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to, travel and camping trailers, truck campers, and motor homes.
29. Recreational Vehicle Park. The term “recreational vehicle park” shall mean any plot of ground upon which two (2) or more recreational vehicles, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
30. Recreational Vehicle Space. The term “recreational vehicle space” shall mean a plot of ground within a recreational vehicle park designed for accommodation of one (1) recreational vehicle.
31. Rural Area. The term “rural area” shall mean any area within the existing or future corporate boundaries of the Town of Burns Flat, Oklahoma, which is zoned agriculturally; this shall not include areas Zoned for low-density, residential-estates type uses.
32. Section. The word “section” shall mean a unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.
33. Service Building. The term “service building” shall mean any building housing toilet and bathing facilities for men and/or women, and may also include buildings containing laundry facilities and other facilities, as required by this Chapter or desired by the park operator.
34. Special Exception Permit. The term “special exception permit” shall mean a device for permitting a use within a district other than a principally permitted use.
35. Support System. The term “support system” shall mean a pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or mobile home.
36. Urban. The word “urban” shall mean all areas within the existing or future corporate boundaries of the Town of Burns Flat, Oklahoma, zoned for urban intensity development.

Section 11-3. Permitted Placement.

The establishment, location, and use of manufactured homes as permanent residences approved individually, by specific materials, or by design, shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and

limitations applying generally to such residential use in the district, and provided such homes shall meet the following requirements and limitations:

1. The dwelling shall meet the appropriate Exterior Appearance Standards Section, as hereinafter set forth;
2. The dwelling shall be sited in a district where such use is permitted in the Uses Permitted Section, as hereinafter set forth;
3. The dwelling shall receive all required permits and conform with the Comprehensive Plan and other ordinances of the Town of Burns Flat, Oklahoma, if applicable.

Section 11-4. Non-Residential Mobile Trailers.

1. No non-residential mobile trailers shall be permitted in the Town of Burns Flat, Oklahoma, unless a license for its operation is issued by the inspection officer.
2. Such license shall specify the permitted use of the non-residential mobile trailer, the location of such operation and the termination date of the permit.
3. No license shall be issued for a use which would violate any local, state or Federal Ordinance, Law or regulation.
4. An annual fee of twenty-five dollars (\$25.00) shall be charged for each non-residential mobile trailer license; provided, that no governmental or non-profit agency shall be charged for such a fee.
5. Operation of non-residential 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, without issuance of a license.
6. This Section shall not be construed as permitting or authorizing the permanent location of any non-residential mobile trailer within the Town of Burns Flat, Oklahoma.

Section 11-5. Non-Conforming Homes.

A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this ordinance, shall continue to be a legal non-conforming use. If the non-conforming use is discontinued, the land thereafter must be used in conformity with all provisions of the Zoning Ordinance.

Section 11-6. Structural Additions or Alterations.

Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the Building Inspector or other authorized administrative official of the Town of Burns Flat, Oklahoma. All structural additions shall comply with the Town of Burns Flat's Building Codes.

Section 11-7 through 11-9. (Reserved for future use.)

Article 2. Manufactured Homes.

Section 11-10. Exterior Appearance Standards.

Manufactured homes shall be classified as to acceptable compatibility or similarity in appearance with site-constructed residences, as set forth in the following sections.

Section 11-11. Type I Manufactured Home.

Type I manufactured home shall:

1. Have more that 950 square feet of occupied space in a typically double-section or larger multi-section unit;
2. Be placed onto a permanent foundation;

3. Utilize a permanent perimeter enclosure in accordance with approved Installation Standards, as specified in Section 11-16;
4. Be anchored to the ground, in accordance with the Town of Burns Flat Codes and to the manufacturer's specifications;
5. Have wheels, axles, and hitch mechanisms removed;
6. Have utilities connected in accordance with the local codes and manufacturer's specifications;
7. Have siding material of a type customarily used on site-constructed residences;
8. Have roofing material of a type customarily used on site-constructed residences;
9. Have open, covered, and/or enclosed parking structure which is compatible with other housing in immediate area, and all parking surfaces shall be hard surfaced.

Section 11-12. Type II Manufactured Home.

Type II manufactured home shall:

1. Have more than seven hundred twenty (720) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
2. Be placed onto a permanent foundation;
3. Utilize a permanent perimeter enclosure in accordance with approved Installation Standards, as specified in Section 11-16;
4. Be anchored to the ground, in accordance with manufacturer's specifications and local codes;
5. Have wheels, axles, and hitch mechanisms removed;
6. Have utilities connected in accordance with manufacturer's specifications or the local codes, whichever is more restrictive;
7. Have siding material of a type customarily used on on-site constructed residences;
8. Have roofing material of a type customarily used on on-site constructed residences;
9. Have covered and/or enclosed parking structure which is compatible with other housing in immediate area, and all parking surfaces shall be hard-surfaced.

Section 11-13. Type III Manufactured Home.

Type III manufactured home shall:

1. Have more than four hundred (400) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
2. Be placed onto a support system in accordance with approved Installation Standards, as specified in Section 11-16;
3. Be enclosed with foundation siding/skirting in accordance with approved Installation Standards, as specified in Section 11-16;
4. Be anchored to the ground, in accordance with manufacturer's specifications and the local codes.
5. Have utilities connected, in accordance with manufacturer's specifications or the local codes.

Section 11-14. Mobile Homes.

For the purpose of determining appropriateness for placement, mobile homes shall:

1. Have more than three hundred and twenty (320) square feet of occupied space;
2. Be placed onto support system, in accordance with approved Installation Standards, as specified in Section 11-16;
3. Be enclosed with foundation siding/skirting in accordance with manufacturer's specifications for local codes;
4. Be anchored to the ground, in accordance with manufacturer's specifications and local codes.
5. Have utilities connected, in accordance with manufacturer's specifications and local codes.

Section 11-15. Uses Permitted.

Manufactured or mobile homes are permitted uses, as follows:

1. Agricultural District (A-1). Permitted uses are Type I, II, and III manufactured homes. Mobile homes may be permitted with a special exception permit.
2. Single-Family Residential District (R-2). Permitted uses are Type I manufactured home. Type II and III may be permitted with a special exception permit. Mobile homes are prohibited.
3. Two-Family Residential District (R-2). Permitted uses are Type I manufactured home. Type II and III may be permitted with a special exception permit. Mobile homes are prohibited.
4. Multi-Family Residential District (R-3). Permitted uses are Type I manufactured home. Type II and III may be permitted with a special exception permit. Mobile homes are prohibited.
5. Residential Estate District (R-4). Permitted uses are Type I manufactured home. Type II and III may be permitted with a special exception permit.
6. Convenience Commercial District (C-1). Allows no permitted uses. Types I, II, III and mobile homes may be permitted with a special exception permit.
7. Highway Commercial and Commercial Recreation District (C-2). Allows no permitted uses. Types I, II, III and mobile homes may be permitted with a special exception permit.
8. General Commercial District (C-3). Allows no permitted uses. Types I, II, III and mobile homes may be permitted with a special exception permit.
9. Light Industrial District (I-1). Allows no permitted uses and all uses are prohibited.
10. Heavy Industrial District (I-2). Allows no permitted uses and all uses are prohibited.
11. Manufactured Home Community (Park) (MHC). Permitted uses are Type I, II, III and mobile homes.
12. Manufactured Home Subdivision (MHS). Permitted uses are Type I and II. Type III and mobile homes are prohibited.

Section 11-16. Installation Standards.

Manufactured or mobile home installation standards are as follows:

1. Permanent Perimeter Enclosure. Those manufactured homes designated in the zoning ordinance as requiring perimeter enclosure must be set onto an excavated area, with permanent perimeter enclosure, foundations, footings and crawl space or basement walls constructed in accordance with the terms of the Foundation Code. The space between the floor joints of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

2. Foundation Siding/Skirting (For Temporary Structures). All manufactured or mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting and back-up framing which shall be weather resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards. The siding shall be ventilated by openings, which shall have a net area of not less than one and one-half (1½) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not less than one half (½) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.
3. Support System. All HUD-Code Type I and Type II manufactured home load-bearing foundations shall be installed in conformance with the regulations in the Foundation Code and with the manufacturer's installations specifications. All HUD-Code Type III manufactured homes and all mobile homes not placed on a permanent foundation shall be installed on a support system in conformance with the manufacturer's installation specifications or with the Foundation Code.

Section 11-17 through 11-19. (Reserved for future use.)

Article 3. Manufactured Home Subdivision.

Section 11-20. Manufactured Home Subdivisions.

1. Manufactured home subdivisions shall comply with the adopted Subdivision Regulations and Zoning Ordinance of the Town of Burns Flat, Oklahoma, except as otherwise provided herein.
2. The minimum size of a manufactured home subdivision shall be ten (10) acres.
3. Type III manufactured homes and mobile homes are not permitted in manufactured home subdivisions.

Section 11-21 through 11-29. (Reserved for future use.)

Article 4. Mobile Home and Recreational Vehicle Parks.

Section 11-30. Licenses and Temporary Permits; Requirements; Procedures; Fees.

1. It shall be unlawful for any person to construct, maintain or operate any mobile home park or recreational vehicle park within the limits of the Town of Burns Flat, Oklahoma, unless he holds a valid license issued annually and jointly by the inspection officer and health officer of the Town of Burns Flat, Oklahoma, in the name of such person for the specific mobile home park except that the maintenance or operation of a mobile home park or recreational vehicle park in existence on the effective date of this Chapter 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 inspection officer, who acting jointly with the Health Officer, shall issue a license upon compliance by the applicant with all pertinent provisions of this and other ordinances and regulations of the Town of Burns Flat, Oklahoma. Every person holding such a license shall notify the health officer in writing within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park or recreational vehicle park.
3. Application for original licenses shall be in writing, signed by the applicant, and accompanied by an affidavit of the applicant as to the truth of the application, and shall contain the following:
 - 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 plan of the park, showing compliance with all applicable provisions of this Chapter and regulations promulgated thereunder; and
 - d. Such further information as may be requested by the health and/or inspection officer.
4. Applications for renewals of licenses 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 and/or inspection officers.
5. A complete plan, for the purpose of obtaining a license to be issued, shall show:
 - a. The area and dimensions of the tract of land;
 - b. The number, locations and size of all mobile home or recreational vehicle 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 and/or Inspection Officer finds conditions existing in violation of this Chapter, or of any regulation adopted pursuant thereto, he shall give notice, in writing, to the person to whom the license was issued, that, unless such conditions or practices be corrected within a reasonable period of time (specified in the notice), the license will be suspended. At the end of such period, not to exceed ninety (90) days, the Health and/or Inspection Officer shall re-inspect such park, and, if such conditions or practices have not been corrected, he shall suspend the license and give notice, in writing, of such suspension to the person to whom the license was issued. Upon receipt of notice of suspension, such person shall cease operation of such park except as may be provided hereinafter.
7. Any person whose permit has been denied or suspended, or who has received notice from the health and inspection officers that his 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; provided, that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.
8. Mobile home and recreational vehicle parks in existence upon the effective date of this Chapter, which have concrete pads indicating the location of mobile home or recreational vehicle spaces, need not comply with those Sections of this Chapter which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of this Chapter.
9. The Town Clerk-Treasurer shall charge and collect for each mobile home and/or recreational vehicle park an initial license or temporary permit of not to exceed two dollars and fifty cents (\$2.50) per space. The initial license or temporary permit shall expire one (1) year from the date of issue, unless renewed upon such conditions as the Town Board of Trustees may, by Ordinance or resolution, direct.

Section 11-31. Inspection of Mobile Home and Recreational Vehicle Parks.

1. The Health and/or Inspection Officers are hereby authorized and directed to make inspections to determine the condition of mobile home and recreational vehicle parks located within the Town of Burns Flat, Oklahoma, in order to perform their duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.
2. The Health Officer shall have the power to inspect the outside premises of the private or public property for the purposes of

inspecting and investigating conditions relating to the enforcement of this Chapter or of regulations promulgated thereunder.

3. The Health and/or Inspection Officer shall have the power to inspect the register containing a record of all mobile 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 or recreational vehicle park, or their premises, at reasonable times for the purpose of making such repairs or alterations adopted thereunder, or with any lawful order issued pursuant to the provisions of this Chapter.

Section 11-32. Notices, Hearings and Orders.

1. Whenever the health and/or inspection officer determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violation. 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 affect compliance with provisions of this Chapter 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 or his agent as the case may require; provided, that such notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.
2. Any person affected by any notice issued under this Chapter or resulting regulations, may request and shall be granted a hearing on the matter before the Fair Housing Board; provided, that such person shall file with the inspection officer 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 and licenses, except in cases of orders issued under Subsection 5, below. The hearing shall be held at the next Fair Housing Board meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the inspection officer determine sufficient cause for such delay exists.
3. After such hearing, the health and/or inspection officer shall compile the findings of the Fair Housing Board as to compliance with this Chapter and pursuant regulations, and shall issue an order, in writing, sustaining, modifying or withdrawing the prior notice which shall be served as provided in Subsection 4 (below). Upon failure to comply with such order, the permit of the mobile home park or travel trailer park shall be revoked.
4. Appeals from decisions of the Fair Housing Board shall be to the Town Board of Trustees. Any person aggrieved by the decision of said Town Board may seek relief in District Court.
5. Whenever the health and/or inspection officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this Chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Town Board of Trustees, shall be afforded a hearing 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 11-33. Supervision.

The licensee, permittee or a duly authorized attendant or caretaker, shall be charged at all times with keeping the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Chapter to which the licensee or permittee is subject.

Section 11-34. Posting of License and Temporary Permit.

The license certificate or temporary permit shall be conspicuously posted in the office of, or on the premises of, the mobile home park or the travel trailer park at all times.

Section 11-35. Location and Design Considerations for Mobile Home and Recreational Vehicle Parks.

1. Parks shall be of three (3) types: (a) mobile home parks, (b) recreational vehicle parks and (c) mixed mobile home and recreational vehicle parks. No recreational vehicle shall be located in a mobile home park. No mobile home shall be located in a recreational vehicle park. In a mixed park, separate areas shall be reserved for mobile homes and for travel trailers; no mobile home shall be permitted in the travel trailer sector; no travel trailer shall be permitted in the mobile home sector.
2. All mobile home 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 Chapter can continue to operate with less than five (5) acres area; however, if the park is to be expanded, it must at that time have a minimum area of five (5) acres.
4. Intensity of development shall be limited to no more than ten (10) mobile homes per gross acre for a mobile home park, and no more than fifteen (15) recreational vehicles per gross acre, for a recreational vehicle park. (Area used for sewerage treatment facilities shall not be included in density computations). Mobile home spaces shall be at least thirty (30) feet wide where pads are closest to driveways. Recreational vehicle spaces shall be at least twenty-five (25) feet wide where recreational vehicles are located closest to the driveway.
5. Every mobile home and recreational vehicle space shall be clearly defined. Mobile homes and recreational vehicles shall be parked in such spaces, so that, at the nearest point, they shall be ten (10) feet from the service road, five (5) feet from the rear lot line and at least ten (10) feet from any other mobile home or recreational vehicle.
6. It shall be unlawful to locate a mobile home or recreational vehicle less than twenty-five (25) feet from any public street or highway right-of-way, or so that any part of such mobile home or recreational vehicle will obstruct any roadway or walkway of such park.
7. It shall be unlawful to permit a mobile home to occupy a recreational vehicle space, a recreational vehicle to occupy a mobile home space and for any mobile home or recreational vehicle to be located in a park unless in a designated mobile home or recreational vehicle space.
8. All mobile 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 mobile home or recreational vehicle parks existing at the effective date of this Chapter, 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 mobile home or recreational vehicle park concerned will be required to comply with the following provisions:
 - a. In new mobile 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 recreational vehicle parks, at least one (1) parking space shall be provided for each space either on, or adjacent to,

the space.

10. Outside drying spaces, or other clothes drying facilities, shall be provided in every mobile home park or recreational vehicle park. Mobile home parks shall have at least one-hundred (100) linear feet of clothes drying-line or one (1) mechanical clothes-drying unit in good condition; mechanical units shall be located in a service building. Recreational vehicle parks and mixed parks shall have at least twenty-five (25) linear feet of outdoor clothes-drying line for each recreational vehicle space or one (1) mechanical clothes-drying unit for the first ten (10) recreational vehicle spaces, or any fraction thereof, and an additional unit for each ten (10) additional recreational vehicle spaces, or any fraction thereof.
11. All driveways and walk ways within a park shall be at least asphalt-oil-rock sealed and surfaced.
12. In the “urban area”, new mobile home parks should abut, and have their major means of ingress and egress on at least a secondary thoroughfare. Recreational vehicle parks and mixed parks in the urban area shall abut, and have their major means of ingress and egress on at least a primary thoroughfare.
13. All mobile home parks shall have and maintain a solid screened fence of not less than six (6) feet in height along all park boundaries not bordering a street. Material shall be of any standard fencing material, provided that such screening fence shall provide a visibility barrier and shall be of sufficient strength to withstand normal winds and other weather occurrences common to the area.

Section 11-36. Service Building for Recreational Vehicle Parks.

1. Each recreational vehicle park shall be provided with at least one (1) service building adequately equipped with flush-type toilet fixtures and other sanitary facilities, as required in this Chapter. No service building shall contain less than one (1) toilet for females, one (1) toilet for males, one (1) lavatory and shower for each sex, and one (1) laundry tray. All sanitary facilities required by this Chapter shall be located in a service building.
2. Each park accommodating recreational vehicles shall provide the following:
 - a. Toilet facilities for males shall consist of not less than two (2) flush toilets and one (1) urinal for the first ten (10) recreational vehicles or fraction thereof, and for recreational vehicles in excess of ten (10), not less than one (1) additional flush toilet and one (1) additional urinal for every ten (10) additional recreational vehicles or fractional number thereof.
 - b. Toilet facilities for females shall consist of not less than two (2) flush toilets for the first six (6) recreational vehicle spaces, or any less number thereof, and for recreational vehicle spaces in excess of six (6), not less than one (1) additional flush toilet for every ten (10) additional recreational vehicle spaces in excess of six (6), or fractional number thereof.
 - c. Each sex shall be provided with not less than two (2) lavatories and two (2) showers or bathtubs, with individual dressing accommodations for the first ten (10) recreational vehicle spaces or any less number thereof, and for recreational vehicle spaces in excess of ten (10), not less than one (1) additional lavatory and one (1) additional shower or bathtub, with individual dressing accommodations, for every ten (10) additional recreational vehicle spaces, or fractional number thereof.
 - d. Each toilet for females and each shower or bathtub with individual dressing accommodations for females shall be in a private compartment or stall.
 - e. The toilet and other sanitation facilities for males and females shall either be separate buildings or shall be separated, if in the same building, by a soundproof wall.
 - f. There shall be provided in a separate compartment or stall, not less than one (1) flush toilet bowl receptacle for emptying bed pans and other containers of human excreta, or a slop sink with at least a three (3) inch trap, and an adequate supply of hot running water for cleansing such bed pans or containers.
3. Recreational vehicle spaces shall not be more than two-hundred (200) feet from a private building.

4. Service buildings shall:
 - a. Be located twenty-five (25) feet or more from any recreational vehicle space;
 - b. Be of permanent construction and be adequately lighted;
 - c. Be of moisture-resistant material, to permit frequent washing and cleansing;
 - d. Have adequate heating facilities to maintain a temperature of seventy degrees (70°) Fahrenheit during cold weather, and to supply adequate hot water during time of peak demands; and
 - e. Have all rooms well ventilated, with all openings effectively screened.
5. Laundry facilities shall be provided in the ratio of one (1) laundry unit to every thirty (30) recreational vehicle spaces, and shall be in a separate, soundproof room of a service building or in a separate building. A laundry shall consist of not less than one (1) laundry and one (1) clothes washing machine.
6. All service buildings and the grounds of the park shall be maintained in a clean condition and kept free of any condition that will menace the health of any occupant or the public or constitute a menace.

Section 11-37. Sewage Disposal for Mobile Home Parks.

1. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park, shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system, of such construction and in such manner as approved by the Oklahoma State Health Department and in accordance with all applicable Ordinances of the Town of Burns Flat, Oklahoma.
2. Each mobile 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. The sewer connection shall be fitted with a standard ferrule and close nipple, and provided with a screw cap. Connection between the mobile home drain and the sewer must be watertight and self-draining. Mobile homes with fixtures from which back-siphonage may occur shall not be connected to the park's water system until the defect has been corrected.
3. In the event that a public water system is, or becomes available, within three hundred (300) feet of a mobile home or recreational vehicle park, connection must be made to the public system within one hundred and eighty (180) days.
4. The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluents from sewage treatment facilities shall not be discharged into any waters of the State. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The 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 home occupying a mobile home park space shall tie onto the park sewerage system and shall dump any accumulated wastes into the system. Every recreational vehicle 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 Burns Flat, Oklahoma, is prohibited.
6. The monthly sewerage charge shall be based on the maximum mobile home or travel trailer capacity of the park. The park operator shall, by the 10th of each month, notify the Town Clerk-Treasurer of the maximum number of mobile home spaces in use at any one (1) time during the previous month. The Town Clerk-Treasurer shall then adjust the sewerage fee to the actual use of the park. Should the park operator fail to notify the Town Clerk-Treasurer of the prior month's actual usage of trailer or mobile home spaces, the sewerage fee shall be levied on the maximum capacity of the park.
7. Sewer connections shall be watertight. Park licensees shall maintain trailer and mobile home connections to sewer and water systems in good condition and be responsible that there is no sewerage or water leakage on park premises.

8. No sewer connections shall be made to travel trailer spaces.

Section 11-38. Water Supply For Mobile Home 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 mobile home 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 and its supply shall be used exclusively. Where private water supplies must be developed, the health officer 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 mobile home park shall be connected by pipes to all buildings and all mobile home spaces. Each mobile home shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times, in the service buildings, for all bathing, washing, cleansing and laundry facilities.
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 weather-tight.
4. Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the Health Officer.
5. Individual water-service connections which are provided for direct use by mobile homes shall be of such construction so that they will not be damaged by the parking of such mobile homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all mobile home 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, pumping 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 construed 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 water well shall draw water from any sands reserved to the Town of Burns Flat, Oklahoma, for its use, except as may be otherwise permitted by Ordinances of the Town of Burns Flat, Oklahoma.
11. No water connection shall be made to travel trailer spaces.

Section 11-39. Refuse Disposal for Mobile Home Parks.

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, water-tight and rodent-proof containers, which shall be located within one hundred and fifty (150) feet of any mobile home or recreational vehicle 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 designed 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 officer. Where municipal garbage collection is not available, the mobile home 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 mobile home park operator shall dispose of the refuse by burial or transporting to an approved disposal site, as directed by the Health officer. Refuse shall be buried only at locations and by methods approved by the Health officer, and in accordance with the Ordinances of the Town of Burns Flat, Oklahoma.
6. When municipal refuse disposal service is available, it must be used.

Section 11-40. Insect and Rodent Control.

1. Insect and rodent control measures to safeguard public health, as required by the Health officer, shall be applied in the park.
2. Effective larvicidal solutions may be required by the Health officer for fly or mosquito-breeding areas which cannot be controlled by other, more permanent measures.
3. The Health officer may require the park operator to take suitable measures to control other insects and obnoxious weeds.
4. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.
5. 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 officer, to exterminate them.

Section 11-41. Electricity; Exterior Lighting.

1. An electrical outlet supplying at least sixty (60) amperes shall be provided for each mobile home space. The installation shall comply with all applicable State and local electrical codes and ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. No power supply line shall be permitted to lie on the ground, and no main powerline shall be suspended less than eighteen (18) feet above the ground, unless otherwise approved by the inspection officer.
2. Streets and driveways within mobile home and recreational vehicle parks shall be lighted with street lights meeting the current standards of the Illuminating Engineering Society or one-half (½) candlepower, whichever may be higher.

Section 11-42. Fuel.

All piping from outside fuel storage tanks or cylinders to mobile homes shall be of acceptable material, as determined by the inspection officer, and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened and in place and shall not be located inside or beneath mobile home or less than five (5) feet from any mobile home exit.

Section 11-43. 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 mobile home or building.
3. Fires shall be made only in stoves and other cooking and/or heating equipment intended for such purposes.

Section 11-44. 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 permissible 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 permit issued by the inspecting officer shall be required before any construction on a mobile home space or any structural addition or alteration to the exterior of a mobile home takes place. No construction, addition or alteration to the exterior of a mobile home located in a mobile home park shall be permitted unless of the same type of construction or materials as the mobile home affected. All such construction, additions or alterations shall be in compliance with applicable local and State laws. No permit shall be required for the addition of steps, canopies, awnings or antennas.
4. No structure, other than a mobile home, shall be permitted on a mobile home space, except one (1) structure of not to exceed one hundred and seventy-five (175) cubic feet, to be used for storage, may be allowed on each such space.

Section 11-45. Registration of Owners and Occupants.

1. Each license or permittee shall keep a register containing a record of all mobile home and recreational vehicle owners and occupants located within the park. The register shall contain the following information:
 - a. The name and address of the owner of occupant of each mobile home, and motor vehicle by which it is owned;
 - b. The make, model, year and license of each mobile home and motor vehicle;
 - c. The state, territory or country issuing such license
 - d. The date of arrival and of departure of each mobile home; and
 - e. Whether or not each mobile home is a dependent or independent mobile home.
2. The park shall keep the register available for inspection at all times by law-enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record of each occupant registered shall not be destroyed for a period of one (1) year, following the date of departure of the registrant from the park.

Section 11-46 through 11-49. (Reserved for future use.)

Article 5. Mobile Home Subdivisions.

Section 11-50. Mobile Home Subdivisions.

1. Mobile home subdivisions shall comply with the adopted Subdivision Regulations and Zoning Ordinance of the Town of Burns Flat, Oklahoma, except as otherwise provided herein.
2. The minimum size of a mobile home subdivision shall be ten (10) acres.
3. No residences except mobile homes shall be permitted in a mobile home subdivision.
4. Minimum effective lot widths in a mobile home subdivision shall be forty (40) feet, measured at the front building line, and minimum lot areas shall be four thousand (4,000) square feet; provided that at least a five (5) foot side yard shall be provided on each lot beyond any mobile 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 officer on the basis of safe and sanitary sewer service. The effective lot width of a mobile 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 mobile subdivisions need not be at right angles to straight street lines or radial to curved street lines.
6. Regardless of the effective lot width, mobile home subdivision lots must abut a public street for at least twenty-five (25) feet.
7. All mobile home subdivisions, except those developed under Residential—Estate Zoning District Standards, shall have a green belt planting strip of not less than twenty (20) feet in width along all subdivision boundaries. Such greenbelt 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 forty feet apart, and
 - (c) not less than three (3) rows of shrubs, spaced not more than eight (8) feet apart, which grow to a height of five (5) feet or more after one (1) full growing season, and which shrubs will eventually grow to a height of not less than twelve (12) feet.

Sections 11-51 through 11-59. (Reserved for future use.)

Article 6. Miscellaneous Provisions.

Sections 11-60 through 11-69. (Reserved for future use.)

Article 7. Penalty.

Section 11-70. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and cost as provided for in Section 1-20 of this Code. Each day upon which such violation continues shall be deemed a separate offense.

CHAPTER 12

MUNICIPAL COURT

- Article 1. Application of Chapter; Jurisdiction of Court.
- Article 2. Organization and Procedure.
- Article 3. Penalty.

Article 1. Application of Chapter; Jurisdiction of Court.

Section 12-1. Application of Chapter.

1. This Chapter shall govern the organization and operation of the Municipal Court of the Town of Burns Flat, Oklahoma, as put into operation and continued by Resolution, duly passed and filed in the office of the county clerk, Washita County and the office of the Clerk of the Supreme Court.

Reference: 11 O.S. Sec. 27-102.

2. To the extent of conflict between any provisions of this Chapter and the provisions of any other Ordinance of the Town of Burns Flat, Oklahoma, the provisions of this Chapter shall control.

Section 12-2. Jurisdiction of Court.

The Municipal Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provisions of this Code of Ordinances or of any other Ordinance of the Town of Burns Flat, Oklahoma, is charged, including any such prosecutions transferred to said Court, in accordance with applicable laws.

Reference: 11 O.S. Sec. 27-103.

Section 12-3 through 12-9. (Reserved for future use.)

Article 2. Organization and Procedure.

Section 12-10. Judge; Alternate Judge; Acting Judge.

(See Chapter 2, Section 2-30, this Code.)

Section 12-11. Compensation of Judges.

The compensation of the Judge and the Alternate or Acting Judges of the Municipal Court of the Town of Burns Flat, Oklahoma, shall be as determined by motion of the Town Board of Trustees.

Reference: 11 O.S. Sec. 27-104.A.

Section 12-12. No Change of Venue; Disqualification of Judge.

1. In prosecutions before the Municipal Court, no change of venue shall be allowed, but the Municipal Judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting, under the terms, conditions and procedures provided by law for Courts of Record.

Reference: 11 O.S. Sec. 27-105, 28-105.

2. If the Municipal Judge is disqualified, the matter shall be heard by an Alternate or Acting Judge, appointed as provided in this Code.

Reference: 11 O.S. Sec. 27-105, 28-105.

Section 12-13. Court Marshall.

All writs on process of the Municipal Court shall be directed to the Chief of Police of the Town of Burns Flat, Oklahoma, who shall serve as marshall of the Court.

Reference: 11 O.S. Sec. 27-110.

Section 12-14. Municipal Attorney as Prosecutor.

The Municipal Attorney, or his duly designated assistant, shall be the prosecutor of the Municipal Court and shall be empowered to prosecute all alleged violations of the Ordinances of the Town of Burns Flat, Oklahoma, and to prosecute and resist appeals and proceedings in error and review from the Court to any other courts of the State; he shall also be authorized to represent the Town of Burns Flat, Oklahoma, in all proceedings arising out of matters of the Court.

Reference: 11 O.S. Sec. 27-108.

Section 12-15. Clerk of Court.

1. The Town Clerk-Treasurer, or a deputy designated by him, shall be ex officio Clerk of the Court. The Court Clerk shall:
 - a. Assist the Municipal Judge in recording the proceedings of the Court and in preparing writs, process and other papers;
 - b. Administer oaths required in proceedings before the Court;
 - c. Enter all pleadings, process and proceedings in the dockets of the Court;
 - d. Perform such other clerical duties relating to the proceeding of the Court as the Municipal Judge shall direct;
 - e. Receive and receipt for forfeitures, fees, deposits and sums of money payable to the Court;
 - f. Deliver to the Town Clerk-Treasurer upon receipt all money so received by him (except such special deposits for fees as shall be received to be disbursed by him for such special purposes), to be placed in the municipal general fund or in such other fund and in such manner as the Town Board of Trustees may direct, by motion or resolution; and
 - g. Make duplicate receipts for the fees, fines, and forfeitures, one copy of which shall be given to the Town Clerk-Treasurer for retention together with a detailed statement of costs, the style of the case in which they were paid, and the name of the party paying the same.

Reference: 11 O.S. Sec. 27-109; 27-112.

- h. The Clerk of the Court shall give bond to the Town in the sum of one thousand dollars (\$1,000.00).

Reference: 11 O.S. Sec. 27-112.

Section 12-16. Writs and Process.

1. All writs and processes of the Municipal Court shall be directed to the marshall of the court, i.e., the Chief of Police.
2. The Chief of Police or a designated law enforcement officer of the Town of Burns Flat shall serve an arrest warrant or summons issued by the municipal court any place in Washita County.

Reference: 11 O.S. Sec. 27-113.

Section 12-17. Rules and Procedure.

1. The municipal judge shall adopt rules of procedure the same as provided by law for the trial of misdemeanors.

Reference: 11 O.S. Sec. 27-113, 27-114.

2. The court shall take judicial notice of state statutes and the ordinances of the Town of Burns Flat.

Reference: 11 O.S. Sec. 27-113.

3. Consistent with the provisions of this section, the judge may prescribe such other rules as are necessary for the proper conduct of the business of the municipal court.

Reference: 11 O.S. Sec. 27-114.

Section 12-18. Style of Prosecutions.

All prosecutions shall be by complaint subscribed by the complainant and verified before a judge, court clerk, deputy court clerk, or law enforcement officer. No warrant for arrest shall be issued until the complaint has been approved by the municipal judge. All prosecutions for the violation of municipal ordinances shall be styled, "The Town of Burns Flat vs. (name of person(s) charged)".

Reference: 11 O.S. Sec. 27-115.

Section 12-19. Summons.

1. Upon the filing of a complaint charging a violation of any ordinance of the Town of Burns Flat, the Municipal Judge, 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 Municipal Court on a date certain, five (5) days hence (Sundays and holidays excepted), or the next Municipal Court date after the summons is served upon him. The summons shall contain a provision for the official return of the summons and include such other pertinent information as may be necessary.
2. A summons shall not be required if the judge issues a warrant for arrest or if the defendant has been issued a citation containing an order to appear on a date certain.
3. The summons shall be served by delivering a copy personally to the defendant. If the defendant fails to appear and answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this Chapter.

Section 12-20. Warrant of Arrest.

1. Except as may otherwise be provided in this Code of Ordinances, upon the filing of a complaint, approved by the Municipal Judge, there shall be issued a warrant of arrest in substantially the following form:

The Town of Burns Flat, Oklahoma, to the Marshall of the Municipal Court of Burns Flat, Oklahoma:

Complaint upon oath having this day been made by (name of complainant) that the offense of (cite ordinance) has been committed and accusing (Name of Defendant(s)) thereof, you are commanded therefore forthwith to arrest the above named (name of Defendant(s)) and bring (him, her, them) before me at my office at the Burns Flat, Oklahoma Municipal Court Room.

Witnessed my hand this _____ day of _____, 20____.

Judge of the Municipal Court of the
Town of Burns Flat, Oklahoma.

2. It shall be the duty of the Marshall of the Court to execute such warrant as promptly as possible either personally, through a duly constituted member of the police force of the Town of Burns Flat, Oklahoma, or through any other person lawfully authorized to act.

Section 12-21. Arrest for Misdemeanor Traffic Violation other than Parking or Standing - Bail.

1. If a resident or nonresident of a municipality having a Municipal Court is arrested by a law enforcement officer solely for a misdemeanor violation of a traffic ordinance, other than an ordinance pertaining to a parking or standing traffic violation, and

the arrested person is eligible to sign a written promise to appear and be released upon personal recognizance, then the procedures provided for in the State and Municipal Traffic Bail Bond Procedure Act shall govern.

2. The Town Board, by ordinance, may prescribe a Bail Bond Schedule for this purpose and may provide for bail to be used as payment of the fine and costs upon a plea of guilty or nolo contendere, as provided for in the State and Municipal bail Bond Procedures Act.
3. Absent such ordinance, the Municipal Court may prescribe a Bail Bond Schedule for traffic offenses. The amount of bail shall not exceed the maximum fine provided by ordinance for each offense.

Reference: 11 O.S., Sec. 27-117.1; 22 O.S., Sec. 1115.1.

Section 12-22. Non-Traffic Violations – Arrests - Bail.

1. A resident who is arrested for the violation of a non-traffic ordinance shall be released immediately by the arresting officer if the resident acknowledges receipt of a citation by signing it unless it reasonably appears to the officers:
 - a. That the person may cause injury to himself or others or damage to property if released;
 - b. That the person will not appear in response to the citation; or
 - c. That the person is arrested for an offense against a person or property.
2. If a person fails to appear in response to a citation, a warrant shall be issued for his arrest and his appearance shall be compelled.
3. If a resident is not permitted to secure his own release by signing the citation, he shall be admitted to bail either before or after arraignment, or shall be released on his own recognizance.
4. If a nonresident is arrested, he shall be admitted to bail either before or after arraignment.
5. Bail shall not be more than the maximum fine provided for by ordinance or each offense charged.

Reference: 11 O.S., Sec. 27-117.

Section 12-23. Failure to appear according to terms of bond - Forfeiture.

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 magistrate may be lawfully required, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, the judge shall then cause the forfeiture to be certified to the district court of Washita County, where it shall be entered upon the judgment docket with the full force and effect of a district court judgment. Court costs shall be collectible from the proceeds of the bond.

Reference: 11 O.S., Sec. 27-118.

Section 12-24. Arraignment.

The arraignment shall be made by the Court. The Municipal Judge or the prosecutor shall read the complaint to the defendant, inform him of his legal rights and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the Court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, the Court may proceed to try the case or may set a date for hearing.

Section 12-25. Jury trials – Qualifications of jurors.

In all prosecutions in the municipal court for any offense punishable by a fine of more than five hundred dollars (\$500.00) or by imprisonment, or by both such fine and imprisonment, a jury trial shall be had unless waived by the defendant and the municipality, provided that the municipality has compiled its penal ordinances. If the municipality has not compiled its ordinances as provided by law, the fine shall not exceed fifty dollars (\$50.00). In prosecutions for all other offenses, or in cases wherein a jury trial is waived by the defendant and the municipality, trial shall be to the court. A jury in the municipal court shall consist of

six (6) jurors, five (5) of whom may return a verdict. Jurors shall be good and lawful men or women, citizens of Washita County, having the qualifications of jurors in the district court.

Reference: 11 O.S., Sec. 27-119.

Section 12-26. Selection and summons of jurors.

Jurors in the municipal court shall be selected under the same terms and conditions as are provided for by law for the district courts. The municipal judge may make a written request for a stated number of jurors to the chief judge of the district court. The clerk of the district court shall draw from the jury wheel a requested number of jurors in the same manner as is provided by law for the district court until the number requested, who from their addresses appear to reside within the corporate limits of the municipality, is drawn, and to prepare a list of names drawn and certify such list to the judge of the municipal court. On completion of the draw, the clerk shall immediately return to the jury wheel all names drawn, which are not placed, on the certified list. The judge of the municipal court shall make written request to the judge of the district court for a stated number of additional jurors, if, after allowance of claimed statutory exemptions, the listed number is found to be insufficient. Summons of the prospective jurors shall be issued as set out by ordinance, and may be served in person by the chief of police or any member of the police force of the municipality, or may be served by the clerk of the municipal court by mail.

Reference: 11 O.S., Sec. 27-120.

Section 12-27. Judgment.

At the close of a trial in the Municipal Court, judgment must be rendered by the Municipal Judge, who shall cause it to be entered in his docket. If the judgment of the Municipal court is of acquittal and the defendant is not to be detained for any legal cause, he must be discharged at once. If the defendant pleads guilty or is convicted after trial, the Municipal Court must render judgment thereon, fixing the penalty within the limits prescribed by this Code of Ordinances or other applicable Ordinance, and imposing sentence accordingly.

Section 12-28. Fees and Mileage of Jurors and Witnesses.

1. Witnesses and jurors shall be entitled to five dollars (\$5.00) for each day of attendance, plus six cents (\$.06) for each mile actually and necessarily traveled in going to and returning from the place of attendance, if their residence is more than five (5) miles outside the corporate limits of the Town of Burns Flat, Oklahoma. No witness shall receive fees or mileage in more than one (1) case for the same period of time or the same travel. No witness fee shall be paid to any police or peace officer.
2. A defendant seeking to subpoena witnesses must deposit, with the Clerk of the Court, a sum sufficient to cover fees and mileage for one (1) day of attendance for each witness to be summoned; such deposit shall not be required from an indigent defendant who files an affidavit setting out:
 - a. The names of no more than three (3) witnesses;
 - b. That the defendant, by reason of his poverty, is unable to provide fees and mileage allowed by law;
 - c. That the testimony of such witnesses is material; and
 - d. That their attendance at the trial is necessary for his proper defense.
3. The fees of witnesses for indigent defendants shall be paid by the Town of Burns Flat, Oklahoma.

Reference: 11 O.S., Sec. 27-121.

Section 12-29. Costs.

If judgment of conviction is entered, the Clerk of the Court shall charge and collect costs from the defendant, in a sum to equal twenty-five dollars (\$25.00) plus the fees and mileage of witnesses and jurors.

Reference: 11 O.S., Sec. 27-126.

Section 12-30. Enforcement of Payment of Fines or Costs by Imprisonment; Persons Unable to Pay.

1. 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 five dollars (\$5.00) per day.
2. If the defendant is without means to pay the fine or costs, the Municipal Judge may direct the total amount due to be entered upon the court minutes and to be certified to the District Court of Washita County, where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon, the same remedies shall be available for the enforcement of said judgment as are available to any other judgment creditor.

Reference: 11 O.S., Sec. 27-122.

Section 12-31. Suspension of Judgment or Costs – Reconfinement – Execution of Sentence of Municipal Court.

1. After sentencing, the judge may suspend the judgment or costs or both and allow the person so convinced to be released upon his own recognizance. Any person so released shall be required to report at such times and to such person or officer as the judge shall direct. The judge may cause a warrant to be issued for any person so released if it shall be made to appear to the judge that such person:
 - a. Has been guilty of the violation of any law after his release;
 - b. Is habitually associating with lewd or vicious person; or
 - c. Is indulging in vicious habits.
2. Upon the issuance of the warrant by the judge, the person shall be delivered forthwith to the place of confinement to which he was originally sentenced and shall serve out the full term for which he was originally sentenced.
3. Execution of municipal sentences shall be carried out in accordance with the provisions of Title 11, Oklahoma Statutes, Supp. 1987, Section 27-122.1, providing for community service without compensation in lieu of imprisonment; manner of imprisonment; modification, reduction, suspension and deferral of sentencing; continuing or delaying the imposition of judgment and sentence; and for administrative fee in the event of imposition of a deferred sentence.

Reference: 11 O.S., Sec. 27-122.1, 27-123.

Section 12-32. Contempt of Court.

The judge shall have power to enforce due obedience to orders, rules and judgments made by him and may fine or imprison for contempt offered to the judge while holding his court or to process issued by him in the same manner and to the same extent as the district courts of Oklahoma.

Reference: O.S., Sec. 27-125.

Section 12-33. Prosecution for same offense in another court prohibited.

When a defendant has been in jeopardy for the same or any lesser-included offenses in a municipal court or district court, he shall not be prosecuted in another court for the same or a lesser-included offense.

Reference: O.S., Sec. 27-127.

Section 12-34. Appeals.

An appeal may be taken from a final judgment of the municipal court by the defendant by filing in the district court of Washita County within ten (10) days from the date of the final judgment, a notice of appeal and by filing a copy of the notice with the municipal court. In case of an appeal, a trial de novo shall be had, and there shall be a right to a jury if the offense is punishable by a fine of more than two hundred dollars (\$200.00) and costs.

Reference: O.S., Sec. 27-129.

Section 12-35. District attorney to defend appeals in certain cases.

The district attorney, and his assistants, shall defend any appeal from the municipal court; provided that the municipal attorney is not paid a salary in excess of a rate of three thousand six hundred dollars (\$3,600.00) per annum.

Reference: O.S., Sec. 27-130.

Section 12-36 through 12-39. (Reserved for future use.)

Article 3. Penalty.

Section 12-40. Penalty.

1. If the Judge is a licensed attorney, the Court may impose a fine not to exceed two hundred dollars (\$200.00) for offenses related to speeding and parking, all other fines shall not exceed seven hundred fifty dollars (\$750.00), or impose imprisonment not exceeding sixty (60) days, or impose both fine and imprisonment. The Court may, in lieu of imprisonment, order a term of community service without compensation. Further, the Court may enforce the payment of fines and/or costs by compelling work on streets, alleys, avenues, areas and public grounds of the Town of Burns Flat, subject to the direction of the appropriate officer of the Town at the rate of minimum wage per hour for useful labor, until the fines or costs are satisfied.
2. If the Judge is not a licensed attorney, the Court may impose a fine not to exceed fifty dollars (\$50.00).

Reference: 11 O.S., Sec. 27-104, 14-111, 27-122.1.

CHAPTER 13

OFFENSES

- Article 1. General Provisions.
- Article 2. Offenses Against Persons.
- Article 3. Offenses Against Property.
- Article 4. Offenses Against Public Peace.
- Article 5. Offenses Against the Public.
- Article 6. Offenses Against Public Authority.
- Article 7. Penalty.

Article 1. General Provisions.

Section 13-1. Attempts to Commit an Offense.

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

Section 13-2. Aiding in an Offense.

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

Section 13-3. "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 13-4. "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 13-5. 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 13-6. 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 13-7. 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 13-8. 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 13-9. 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.

Section 13-10. 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 therefore against the property of the town or the person or property of another person shall be guilty of an offense.

Section 13-11. 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 13-12. Lawful use of Force.

1. To use or to attempt to offer to use force upon or toward the person of another is not unlawful in the town in the following cases:
 - a. 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;
 - b. 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;
 - c. 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;
 - d. 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;

- e. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, interurban car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his personal safety;
 - f. 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;
 - g. In preventing or interrupting an intrusion upon the lawful possession of property; and
 - h. To preserve the peace or prevent the commission of an offense.
2. Where force is permitted to affect a lawful purpose only that degree of force necessary to affect such purpose shall be used.

Article 2. Offenses Against Persons.

Section 13-13. Assault and Battery.

No person shall commit an assault or battery, or both, upon the person of another.

Reference: 21 O.S. § 641 et. Seq.; 11 O.S. § 22-110.

Section 13-14. Assault Defined.

An assault is any willful and unlawful attempt or offer with force or violence to do corporal hurt to another.

Section 13-15. Battery Defined.

A battery is any willful and unlawful use of force or violence upon the person of another.

Section 13-16. Reckless Conduct.

- 1. Reckless conduct, as used in this section, consists of an act which creates a situation of unreasonable risk and probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another.
- 2. It is unlawful for any person to endanger another's safety by reckless conduct in the operation or handling of any weapon or instrument, including a pistol, revolver or other firearm.

Article 3. Offenses Against Property.

Section 13-17. Petty Larceny.

Petty Larceny is the taking of personal property of value not to exceed fifty dollars (\$50.00), accomplished by fraud or stealth and with intent to deprive another thereof, when the property is not taken from the person of another. Petty larceny is unlawful.

Section 13-18. 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 fifty dollars (\$50.00), 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 13-19. 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 13-20. Possession of Stolen Property.

No person shall keep in his possession, or dispose of, or conceal any stolen property, or fail promptly to inform some proper official of the possession thereof, under circumstances indicating that such property had been stolen or the possession thereof obtained unlawfully.

Reference: 21 O.S. § 1713.

Section 13-21. Defrauding Public Accommodations: Proof; Exception.

1. 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.
2. Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel, motel, inn, 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.
3. 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.
4. This section shall not apply where there has been an agreement in writing for delay in payment.

Section 13-22. 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 13-23. 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 13-24. False or Bogus Checks.

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

Section 13-25. 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 13-26. Defacing Building, Damaging Property.

1. No person shall purposely deface or damage any public or private building or appurtenances thereof, or any fence, street, bridge, sidewalk, driveway, street, or public work.
2. No person shall:
 - a. Destroy, injure, deface, damage or molest any structure, building, work or other property, real or personal, belonging to another;
 - b. Use such property wrongfully to the detriment of the owner or other person entitled to its use; or
 - c. Interfere wrongfully with the use of any such property by its owner or any other person ,entitled to its use.

Reference: 21 O.S. § 1760

Section 13-27. 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 13-28. Damaging Private Property.

No person shall willfully and wantonly damage or destroy the personal property of another.

Section 13-29. Public Works Under Construction.

1. Any person who removes, destroys, disturbs, or in any manner injures any grade stake, stone or other mark or monument set by or under authority of the 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.
2. 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 13-30. Damaging or Tampering with Motor Vehicle.

1. No person, other than a peace officer in the performance of his official duties, shall, with intent and without right to do so, injure or tamper with any vehicle or in any other manner damage any part or portion of the vehicle or any accessories, appurtenances or attachments thereto.
2. No person, other than a peace officer in the performance of his official duties, shall, without right to do so and with intent to commit a crime, climb into or upon a vehicle, whether it is in motion or at rest, attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of the vehicle while the vehicle is at rest and unattended, or set in motion any vehicle while the vehicle is at rest and unattended.

Reference: 21 O.S. § 1787-88.

Section 13-31. Tampering with or Damaging of Utilities, Theft of Water.

1. No person shall alter, remove, tamper with, molest, damage or injure any wires, cable, appurtenance, structure, pipes or equipment of any utility of the 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.
2. 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.
3. 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.
4. No person shall in any manner whatsoever:
 - a. 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 there from electric current, water, transmissions or gas;
 - b. 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 therefore, with the unlawful intent to defraud the company or town out of the value of the service; or
 - c. 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.
5. Any person who by fraud or stealth obtains water in any way from the town waterworks system or who turns on the water service without authority of ordinance or a duly authorized town official shall be guilty of an offense. The amount of water that has been obtained by any person, by fraud or stealth, or without permission from a duly authorized town official, as provided by ordinance, shall be estimated by the amount used by such person during the last month previous that the meter operated and registered correctly all water. Such person shall pay for the same at the rate fixed by the town for the service obtained, before any further water connection is made. In all cases of fraud or stealth, the town shall have the right to install such apparatus, locks and instruments which are necessary to prevent theft at the expense of the customer and shall maintain the same so long as deemed necessary by the town, not exceeding one year from such installation.
6. 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.

Section 13-32. Destroying Trees and Shrubbery.

1. No person shall willfully, maliciously and without lawful authority cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root or plant, grape or strawberry vine, shrub or plant whatever standing on or attached to the land of another, or pick, destroy, carry away there from, or in any way interfere therewith, any of the fruit thereof.
2. No person shall willfully or without lawful authority cut down, destroy, root up or in any manner injure any fruit, shade or ornamental tree, shrub or vine planted or growing on any street, land, avenue, alley or other public ground of the town.

Section 13-33. Trespassing Prohibited, Notice, Soliciting, Trespass Prohibited.

1. It is unlawful and an offense for any person to commit a trespass within this town upon either public or private property.
2. Trespass shall include each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner or other person in lawful possession of the premises. Trespass shall also mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal

command of the owner, his agent, or employee, of after having been directed to do so by a police officer, although this sentence shall not apply to persons including employees whose presence upon the premises is authorized by the owner or by a person in lawful possession of such premises. Trespass shall also include the act of returning to private property after having been directed to vacate the premises by the owner, his agent, employee or police officer under the terms of this section.

3. Any of the following acts by any person shall be deemed a violation of this section:
 - a. The doing of an injury or misfeasance to the person of another;
 - b. The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied;
 - c. 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;
 - d. An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;
 - e. 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;
 - f. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;
 - g. An entry upon any public property in violation of any notice, warning or protest given orally or in writing by a town official;
 - h. 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;
 - i. 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;
 - j. 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
 - k. 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.
4. For purposes of constituting a violation of this section, the exhibited notice required under paragraphs d, e, f, g and i of Subsection 3 hereof shall meet the following criteria:
 - a. The notice shall be plainly posted in a place or places conspicuous to those who would enter the property;
 - b. The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and
 - c. 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 13-34. Storage and Parking of Trailers and Commercial Vehicles.

Recreational and commercial vehicles and trailers of all types, including travel, recreational and hauling and motor homes,

boats, boat trailers, motorcycle trailers, three and four wheel all-terrain vehicles and dune buggies shall not be parked or stored on any lot occupied by a dwelling, or on any lot, street or public right-of-way, and any residential district except in accordance with the following provisions:

1. Not more than one commercial vehicle which does not exceed 1½ tons rated capacity, per dwelling unit, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
2. Not more than one recreational vehicle or hauling trailer per dwelling unit shall be permitted and the vehicle or trailer shall not exceed thirty (30) feet in length, or eight (8) feet in width, or twelve (12) feet in overall height. A RECREATIONAL VEHICLE means a vehicular unit not exceeding the dimensions described above, having its own motive power or designated to be moved or drawn by an automotive vehicle. Recreational vehicle includes, but is not limited to, motor home, truck camper, travel trailer, camping trailers, boats, trailer, motorcycles, motorcycle trailers, three and four wheel all-terrain vehicles and dune buggies. It is further provided that the vehicle can be parked in front of a house in the driveway, provided it does not extend into the street and/or cause a hazard, and does not create a grievance upon adjoining neighbors or result in a reduction of property values. Also, a recreational vehicle can be parked in side yard and back yard if alley is accessible. Vehicles can be hooked up to electricity with approved electrical hook-up for the purpose of charging batteries and refrigerators. Water can be hooked up temporarily for the purpose of checking lines and filling of water tanks. At no time shall vehicles be hooked up to sewer lines other than to clean up. A recreational vehicle shall not be permanently attached to any utilities. Recreational vehicles with living quarters can be used for family use only for sleeping while stored for no more than thirty (30) calendar days per year, and at no time shall the vehicle be rented or lease on the property. Recreational vehicles shall not be parked in the streets unless for the purpose of loading or unloading. If found in violation, owner(s) will be given five (5) days to correct the violation; except when the violation is deemed to be critical, the violation shall be corrected immediately and the Town shall have the authority to remove said violation at owner(s) expense.
3. Notice to the owner as set forth in the preceding division shall mean written notice to the occupant of the property and the owner and mortgagee of the property, if any, as shown by the records of the County Clerk. The written notice shall contain the legal description of the real property involved, a description of the violation, a statement directing the removal or cessation of the violation within five (5) days of the receipt of the notice and a statement that the Town, at its option, may remove the violating property at the owner's expense after five (5) days. Notice may be served by the property being stickered, personal delivery or by certified mail, return receipt requested, at the address listed with the County Treasurer of last known address of the occupant, owner, or mortgagee. If service by sticker, personal delivery or certified mail is unsuccessful after ten (10) days, notice may be served by publishing the notice one time in a newspaper of general circulation.
4. The five (5) day period used herein shall run from the time of the latest notice to the parties set forth in the previous division. If the notice is published, the five (5) day period shall run from the date publication.
5. If this section, as written, conflicts with any property deed restrictions or covenants, the deed restrictions and covenants shall be controlling.

Section 13-35. Congregating, Parking on Premises After Hours.

1. No person shall stand, walk, sit, lie, congregate or otherwise occupy or remain upon the premises of any place or business within the town after business hours without consent of the lawful owner, occupant, lessee or employee thereof.
2. No person shall stop, stand, park, leave, or place any motor vehicle, whether occupied or not, upon any public or private property without the consent of the owner, occupant, lessee or employee thereof; except where such property is provided for public parking and the use for such parking is not restricted by proper notice. In addition to fine or other punishment for a violation of this subsection, the vehicle so parked, left or placed shall be subject to impoundment upon complaint of the property owner or lawful occupant; the person violating this subsection shall be wholly responsible for payment of towage and storage charges.
3. No person may be charged under this section unless the premises in question is posted with a conspicuous sign which states, substantially, that the premises are posted, and that any person congregating, occupying or remaining upon the premises or parking or leaving a motor vehicle thereon, is subject to prosecution pursuant to the town code.
4. When used in this section, the term "after business hours" shall mean that the doors of the business which are open to the public during business hours are closed and locked and that the business is no longer admitting customers. The term 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).

5. There is a rebuttable presumption that any person or motor vehicle upon the premises of a place of business that is properly posted pursuant to this section after such time as the front door or other such door that admits members of the public is closed and locked is on the premises of such business unlawfully under this section; however, this presumption shall not be applied within 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.
6. If a motor vehicle is alleged to be unlawfully parked or left under this section, it shall be rebuttably presumed that the person in whose name the motor vehicle was last registered was the person who parked or left the motor vehicle.
7. The parking or leaving of a motor vehicle as set forth herein shall constitute the offense of unlawful parking or leaving a motor vehicle after business hours, punishable as provided in Section 1-20 of this code.
8. If a person violates Subsection A of this section, it shall constitute the offense of unlawful presence on property after business hours or congregating after business hours and is punishable as provided in Section 1-20 of this code. .
9. The provisions of this section are cumulative of other applicable offenses enacted in this code or state law.

Section 13-36. Unlawful Intrusion on Land.

1. 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.
2. 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 13-37. 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 13-38. 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 13-39. 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 13-40. Posting Advertising Matter on Building of Another.

1. 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.

2. No person shall place, post, paint, mark, write, print or put any sign, poster, picture, announcement, writing, device, advertisement or other marking upon any public or private building, fence, sidewalk, bridge, post, automobile or vehicle or property of another without the consent of the owner or person in charge thereof.

Section 13-41. Posting Advertising Matter on Utility Poles or On or Over Streets and Sidewalks.

It is unlawful for any person to place any advertising matter of any kind on any utility pole, or to place any advertising on the streets or sidewalks of the town or to place any advertising on any signs or banners stretched over the streets or sidewalks of the town. Nothing herein shall be construed to prevent any permanently located commercial or business establishment in the town from erecting and maintaining business or commercial signs in accordance with the ordinances of the town, nor to prohibit the granting of permission by the town to religious, charitable, patriotic or civic bodies to use banners across the streets of the town in such places as may be designated by the town clerk-treasurer for the observance of holidays, charitable drives and the commemoration and celebration of other public or civic occasions.

Section 13-42. 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 13-43. 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 therefore 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 13-44. 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.

Section 13-45. Unlawful Use of Another's Garbage or Refuse Container.

It is unlawful and an offense for any person to dispose of garbage, refuse, rubbish or waste into any refuse container, dumpster or other receptacle for the deposit of same belonging to or leased by another, whether by rental agreement, lease or agreement with the 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.

Section 13-46. Fireworks Prohibited, Exceptions.

1. 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.
2. It is unlawful for any person to manufacture, display, store, sell, possess for sale, discharge or use fireworks within the town except as provided in this section.
3. Pyrotechnic or fireworks displays may be authorized in accordance with the town fire code when under proper control and the time, place and manner of the display is permitted by the town.

Article 4. Offenses Against Public Peace.

Section 13-47. Disturbing the Peace.

1. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection 2 of this section.

2. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:
 - a. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
 - b. Appearing in an intoxicated condition;
 - c. Engaging in a fistic encounter;
 - d. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;
 - e. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;
 - f. 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;
 - g. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;
 - h. Obstructing the free passage of pedestrians or vehicles on a street, right-of-way or sidewalk, or other public place;
 - i. Obstructing, molesting or interfering with any person lawfully in a public place;
 - j. Making unnecessarily loud, offensive noises;
 - k. 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
 - l. Committing any other act in such a manner calculated as to unreasonably disturb, interfere or alarm the public or the comfort and repose of any person.
3. Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in Subsection 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.
4. This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.

Section 13-48. 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 13-49. 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.

Reference: 11 O.S. § 22-110.

Section 13-50. Unnecessary Noise or Music Prohibited.

1. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusual noise disturbance 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 of Burns Flat, Oklahoma.
2. Specific Prohibitions. The following acts, among others and not to exclude other such acts, are declared to be excessive or unusual noises in violation of this chapter, except and unless in the urgent interest of public health, welfare and safety, a permit has been issued by the Town Administrator for continuance or performance over such time periods as may be so stated, namely:
 - a. Radios, television equipment, electronic audio equipment, musical instruments and similar devices - Operating or permitting the use or operation of any device designed for sound production, amplification, or reproduction including but not limited to any radio, musical instrument, stereo, television set, record/tape/CD/DVD/MP3/BluRay player, loud speaker or other similar device such as to produce a noise disturbance:
 - (1) If plainly audible within any dwelling unit which is not the source of the sounds; or
 - (2) On public property or on a public right-of-way, including a street, so as to be plainly audible fifty (50) feet or more from such device, except as authorized by permit.
 - b. Boisterous, belligerent or clamorous noisemaking - Shouting, carousing, singing or other prolonged noisemaking such as to produce a noise disturbance.

Reference: 11 O.S. § 22-110.

Section 13-51. Possession of Weapons in or upon Municipal Buildings or Facilities.

1. No person, other than persons exempted in subsection B of this section, shall enter or remain upon any municipal building or facility on which signs have been posted prohibiting the possession of any weapons on said municipal building or facility while such person is in possession of any weapon, including but not limited to any pistol, revolver, shotgun or rifle (whether loaded or unloaded) or any dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy club, hand chain, metal knuckles or any other offensive weapon.
2. The provision of this section shall not apply to commissioned law enforcement officers.
3. Any person found guilty of violating this section shall be punished by a fine not to exceed \$500.00, plus court costs, or thirty (30) days imprisonment, or any combination thereof.

Reference: 21 O.S. § 1272, 1277 & 1290.22 et. seq.

Section 13-52. Discharging Firearms.

It shall be unlawful for any person to discharge a firearm within the corporate limits of the Town of Burns Flat, Oklahoma, except when doing so in the line of duty, when lawfully doing so in defense of oneself or of another person or property, when otherwise authorized by law or Ordinance, when doing so for the preservation of the peace, health or safety of residents or the abatement of nuisances; it shall also be unlawful to discharge an air rifle, BB gun, paint-ball gun, or any type of bow (any device used to propel arrows) within the Town of Burns Flat, Oklahoma, in such a manner as to harm or damage persons or property.

Article 5. Offenses Against the Public.Section 13-53. 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 low-point beer 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.

Reference: 63 O.S. § 2101 et seq.

Section 13-54. Marijuana Prohibited.

1. It is unlawful for any person:
 - a. To appear or be upon or in any street, alley, place of business, or other public place while under the influence of marijuana;
 - b. To use, have, or possess marijuana upon or in any street, alley, place of business, or other public place within the town;
 - c. To use marijuana in any place within the town except as legally prescribed by a physician licensed to practice in the state; or
 - d. To be about a place where marijuana is sold or furnished illegally.
2. For the purpose of this section, "marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

Reference: 63 O.S. § 2-101 et seq.

Section 13-55. Drug Paraphernalia.

1. 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, Sections 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:
 - a. 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;
 - b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
 - c. Isomerization devices used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

- d. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
 - e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
 - f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
 - g. 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;
 - h. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
 - i. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
 - j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
 - k. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and
 - l. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (2) Water pipes;
 - (3) Carburetion tubes and devices;
 - (4) Smoking and carburetion masks;
 - (5) Roach clips: meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - (6) Miniature cocaine spoons, and cocaine vials;
 - (7) Chamber pipes;
 - (8) Carburetor pipes;
 - (9) Electric pipes;
 - (10) Air-driven pipes;
 - (11) Chillums;
 - (12) Bongs; or
 - (13) Ice pipes or chiller.
2. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use;
 - b. 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;
 - c. The proximity of the object, in time and space, to a direct violation of the act;
 - d. The proximity of the object to controlled substances;
 - e. The existence of any residue of controlled substances on the object;
 - f. 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;

- g. Instructions, oral or written, provided with the object concerning its use;
 - h. Descriptive materials accompanying the object which explain or depict its use;
 - i. National and local advertising concerning its use;
 - j. The manner in which the object is displayed for sale;
 - k. 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;
 - l. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 - m. The existence and scope of legitimate uses for the object in the community; and
 - n. Expert testimony concerning its use.
3. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.
 4. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.
 5. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Reference: 63 O.S. § 2-101.1.

Section 13-56. Sniffing Glue, Paint and Other Substances.

No person shall sniff or inhale paint, glue, gasoline or other volatile substances for purposes of intoxication.

Section 13-57. Curfew for Minors.

1. 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."
2. For the purposes of this section the following terms, phrases, words, and their derivations shall have the meaning given herein:
 - a. "Minor" means any person under the age of eighteen (18);
 - b. "Parent" means any person having legal custody of a minor as:
 - (1) A natural or adoptive parent;
 - (2) A legal guardian;
 - (3) A person who stands in loco parentis; or
 - (4) A person to whom legal custody has been given by order of the court;
 - c. "Public place" means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be

limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above;

- d. "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;
 - e. "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;
 - f. "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
 - g. "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 (17th) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age."
3. It is unlawful for any person seventeen (17) or less years of age (under eighteen (18) to be or remain in or upon the streets within the town at night during the period ending 6:00 a.m. and beginning:
 - a. At 10:00 p.m. for minors fifteen (15) years of age or younger;
 - b. At 11:00 p.m. for minors more than fifteen (15) years of age on Sunday through Thursday; and
 - c. At 12:00 a.m. midnight on Saturday morning and Sunday morning for minors more than fifteen (15) years of age.
 4. In the following exceptional cases a minor on a town street during the nocturnal hours for which subsection 3 of this section is intended to provide the maximum limits of regulation shall not, however, be considered in violation of the curfew ordinance:
 - a. When accompanied by a parent of such minor;
 - b. 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;
 - c. 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;
 - d. 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;
 - e. 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;
 - f. 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;
 - g. When authorized, by regulation issued by the town board of trustees, 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 town board 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 ordinance;

- h. 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
 - i. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. This clearly exempts bona fide interstate movement through the town, particularly on normal routes.
5. 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 town 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 reasonable community standard of parental responsibility through an objective test. It shall a fortior, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.
 6. 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.
 7. Violation of this section by the parent of a minor shall be treated as an offense by the parent. The penalty upon a plea of guilty, nolo contendere, or finding of guilty shall be as set forth in Section 1-20 of this code of ordinances. Each day upon which a violation continues shall be deemed a separate offense. A minor who violates any of the provisions of this section may be reported to juvenile court for treatment, supervision and rehabilitation of the minor.

Section 13-58. 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.

Reference: 21 O.S. § 22-851 et. Seq.

Section 13-59. 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.

Reference: 21 O.S. § 1171.

Section 13-60. 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.

Reference: 21 O.S. § 1518-1520.

Section 13-61. Obscene Threatening or Harassing Telephone Calls.

1. No person shall by means of a telephone, willfully:
 - a. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent;
 - b. 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;

- c. Permit any telephone under his control to be used for any purpose prohibited by this section; or
 - d. In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number.
2. 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.

Reference: 21 O.S. § 1172.

Section 13-62. Disorderly House.

1. A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:
- a. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
 - b. The violation of any of the ordinances of this town or statutes of this state regulating the sale, distribution, possession or use of alcoholic and non-intoxicating beverages as defined by law;
 - c. The performance of any sexual act declared unlawful by state statute or town ordinance including, but not limited to, soliciting for purposes of prostitution, nudity, indecent exposure or outraging public decency;
 - d. The violation of any state statute or town ordinance prohibiting gambling; or
 - e. The holding of a social gathering in which it becomes a public nuisance when, by reason of the conduct of persons in attendance, it results in violations of town ordinance or violations of state statute by committing the following acts:
 - (1) Disturbing the peace;
 - (2) Disorderly conduct;
 - (3) Noises prohibited;
 - (4) Drinking alcoholic beverages in public;
 - (5) Furnishing tobacco products to minors; possession by minors;
 - (6) Assault and/or batters;
 - (7) Unlawful assembly;
 - (8) Interference with property use;
 - (9) Trespass, illegal entrance;
 - (10) Littering;
 - (11) Obstruction of the public way or access.
2. A disorderly house also includes the permitting or allowing of gatherings where minors are consuming alcoholic beverages:
- a. The following definitions shall apply:
 - (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, isopropyl alcohol or spirits of wine, from whatever source or by whatever process produced.
 - (2) "Alcohol beverage" includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and which contains one half (½) of one percent (1%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.
 - (3) "Gathering" is a party, gathering or event, where a group of three (3) or more persons have assembled or are assembling for a social occasion or social activity.

- (4) "Intoxicating beverage" includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.
 - (5) "Legal guardian" means: (a) a person who, by court order, is the guardian of the person of a minor; or (b) a public or private agency with whom a minor has been placed by the court.
 - (6) "Low point beer" means and includes beverages containing more than one half (½) of one percent (1%) alcohol by volume and not more than three (3) and two tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.
 - (7) "Minor" means any person under twenty one (21) years of age.
 - (8) "Parent" means a person who is a natural parent, adoptive parent, foster parent or stepparent of another person.
 - (9) "Premises" means any residence or other private property, place or premises, including any commercial or business premises.
 - (10) "Response costs" are the costs associated with responses by law enforcement, fire and other emergency response providers to a gathering, including but not limited to:
 - (a) Salaries and benefits of law enforcement, code enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering and the administrative costs attributable to such response(s);
 - (b) The cost of any medical treatment for any law enforcement, code enforcement, fire or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;
 - (c) The cost of repairing any city equipment or property damaged and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and
 - (d) Any other allowable costs related to the enforcement of this section.
- b. The consumption of alcohol by a minor in a public place, place open to public or place not open to public except as permitted by state law, it is unlawful for any minor to:
- (1) Consume at any public place or any place open to the public alcohol beverages; or
 - (2) Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that a minor is being supervised by his or her parent or legal guardian in a religious ceremony or other religious practice.
- c. Hosting, permitting or allowing a party, gathering or event where minors consuming alcoholic beverages prohibited.
- (1) It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering and supervising the activities of minors at the gathers.
 - (2) It is unlawful for any person having control of any premises to knowingly host, permit or allow a gathering to take place at said premises where at least one (1) minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (1.) of this section.

- (3) Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers(s), parent(s) and/or legal guardian(s) of said minor will be held responsible in the same manner as a non-religious gathering.

d. This section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.

3. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
4. 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.
5. No person shall knowingly reside in, enter into, or remain in a disorderly house. This section shall not apply to physicians or officers in the discharge of their professional or official duties.
6. Law enforcement officers acting on behalf or for the Town of Burns Flat after gaining reasonable belief that violations of this section are occurring may enter such premises for the purpose of dispersing such gathering and ascertaining the occupants of such gathering. In doing so such officers may detain and/or arrest the persons involved in such gathering. Officers may also seize such alcohol, alcoholic beverage, intoxicating beverage and/or in violation of town ordinance or state statute.
7. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor offense against the Town of Burns Flat and upon conviction thereof shall be punished for violation of this offense:
 - a. First (1st) Offense: Fine set in fine schedule, or by imprisonment not exceeding sixty (60) days or by both such fine and imprisonment, plus all court costs, incarceration fees and statutory penalties as set forth in town ordinance or state statute.
 - b. Second (2nd) Offense: Fine set in fine schedule, or by imprisonment not exceeding one hundred twenty (120) days or by both such fine and imprisonment, plus all court costs, incarceration fees and statutory penalties as set forth in town ordinance or state statute.
 - c. Third (3rd) or Subsequent: Fine set in fine schedule, or by imprisonment not exceeding one (1) year or by both such fine and imprisonment, plus all court costs, incarceration fees and statutory penalties as set forth in town ordinance or state statute.
8. Reservation of legal options, violations of this section may be prosecuted by the Town of Burns Flat criminally, civilly and/or administratively as provided by the municipal code. The Town of Burns Flat may seek administrative fees and response costs associated with.
9. Enforcement of this section through all remedies or procedures provided by statute, ordinance or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the town's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.
10. Local authority in this section shall not apply where prohibited or preempted by state or federal law.

Reference: 11 O.S. § 22-109; 37 O.S. § 1-8.2; 37 O.S. § 2-163.1; 37 O.S. § 2-163.2; 37 O.S. § 2-241; 37 O.S. § 2-246; 37 O.S. § 3-506; 37 O.S. § 3-537; 37 O.S. § 4-600.2; 37 O.S. § 4-600.3; 37 O.S. § 4-600.13; 37 O.S. § 4A-602; 37 O.S. § 4A-609

Section 13-63. 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.

Reference: 21 O.S. § 1021.

Section 13-64. Gambling and Gambling Devices.

1. Any person who plays or carries on, or opens or causes to be opened, or who conducts, either as owner or employee, roulette, craps, or any banking or percentage game, played with dice, cards or any other device, for money, checks, credit or any representative of value, or any other gambling game, is guilty of an offense.
2. Any person who bets on or plays at any of the prohibited games mentioned in subsection A above, or otherwise gambles, is guilty of an offense.
3. It is unlawful for any person to exhibit or expose to view in any building, or in any part of or room in any building, any table, cards, dice, roulette wheel or other article or apparatus designed for or used for gambling purposes.
4. It is unlawful for any person to keep, own, operate, use, conduct or cause to be kept, operated, used or conducted, either as owner, manager, dealer, clerk or employee, and whether for hire or not, any punch board, machine, cards, game, parlay card or any other device or paraphernalia, wherein or whereby any money or property or any representative of either, or other valuable thing, may be played, bet, staked, wagered or hazarded, won, lost or obtained upon any change, combination of numbers, emblems or any uncertain or contingent event or condition, or football or baseball contest.
5. It is unlawful for any person to play any prohibited game described in this section.
6. It is unlawful for any person to bar or barricade any building, or any part of or room in any building, in order to render the same difficult of access or ingress to the police officers of the 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.
7. The apparatus and paraphernalia used in the conduct of any of the gambling games prohibited by this section are hereby declared to be a public nuisance and subject to seizure and suppression by any officer, and shall be abated, forfeited and destroyed upon the order and decree of any court of competent jurisdiction.
8. It is unlawful for any person to 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.
9. Nothing herein contained shall be construed to prevent the sponsoring and operation of bingo games by nonprofit religious, fraternal, charitable or educational organizations; provided the organizations are properly licensed and operated in accordance with law.

Reference: 21 O.S. § 941-943.

Section 13-65. Prostitution Prohibited.

1. 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.
2. It is unlawful:
 - a. To engage in prostitution, lewdness or assignation;
 - b. To solicit, induce, entice or procure another to commit an act of lewdness, assignation or prostitution; or
 - c. To aid, abet or participate in the doing of any of the acts herein prohibited.
3. No person shall in any way or manner whatever, keep, harbor or house any prostitute.

4. No person shall entice or attempt to entice any female into a house of prostitution, or have illicit sexual intercourse with any female under eighteen (18) years of age.
5. No person shall keep or maintain a house of prostitution or house of assignation.
6. No person shall lease, let or furnish any building, room, tent or structure of any kind, or any conveyance used or to be used as a place of prostitution or assignation within the town, or knowingly permit the same to be so used.
7. No person shall knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any women engaged in prostitution.
8. No person shall offer, or offer to secure another for the purpose of prostitution, or for any other lewd or indecent act.
9. No person shall direct, take or transport, or offer or agree to take or transport or aid or assist in transporting, any person to any house, place, building or other structure, vehicle, trailer or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.
10. 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.
11. 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 or soliciting for the purpose of prostitution unlawful.

Reference: 21 O.S. § 1029, 1030 and 1081.

Section 13-66. 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 13-67. Sleeping in Places, Property.

It is unlawful for any person, without lawful reason, 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 13-68. Contributing to Delinquency of a Minor.

1. "Any person" as used in this section means any human being, without regard to the legal or natural relationship to minor, as well as, legal or corporate entities. "Minor" means any person under the age of eighteen (18) years.

2. Any person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child, as defined by state law, shall be guilty of an offense.

Reference: 21 O.S. § 856 et Seq.

Section 13-69. Tobacco to Minor Prohibited Violations, Signs, Retail Sales and Vending Machine Restrictions.

1. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them:
 - a. "Proof of age" means a drivers license, license for identification only or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;
 - b. "Sample" means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;
 - c. "Sampling" means the distribution of samples to members of the public in a public place; and
 - d. "Tobacco product" means any product that contains tobacco and is intended for human consumption.
2. It is unlawful for any person to sell or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age, or to purchase in any manner a tobacco product on behalf of any person. Provided however that it is not unlawful for an employee under eighteen (18) years of age to handle such products when required in the performance of the employee's duties. A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age. When a person violates this subsection, the municipal court shall assess such person a fine as set in the fine schedule for the first (1st) offense within a one (1) year period, a fine as set in the fine schedule for the second (2nd) offense within a one (1) year period and a fine as set in the fine schedule for a third (3rd) or subsequent offense in a one (1) year period. Proof that the defendant demanded, was shown and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. If the sale is made by an employee of the owner of a store at which tobacco products are sold at retail the employee shall be guilty of the violation and shall be subject to the fine. For purpose of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of this section, each individual franchise or business location shall be deemed a separate entity.
3. It is unlawful for a person who is under eighteen (18) years of age to purchase, accept receipt of, or have in their possession a tobacco product, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product. Provided, however that it is not unlawful for such person to handle such tobacco product when required in the performance of such person's duties. When a person violates this subsection the municipal court shall assess such person a fine as set in the fine schedule for the first (1st) offense within a one (1) year period and a fine as set in the fine schedule for the second (2nd) or subsequent offense within a one (1) year period.
4. It is unlawful for any person to distribute tobacco product samples to any person under eighteen (18) years of age. Notwithstanding this provision, no person shall distribute tobacco product samples in or on any public street, sidewalk or park that is within three hundred (300) feet of any playground, school or other facility when the facility is being used primarily by persons under eighteen (18) years of age. When a person violates this subsection, the municipal court shall assess such person a fine as set in the fine schedule for the first (1st) offense within a one (1) year period, a fine as set in the fine schedule for the second (2nd) offense within a one (1) year period and a fine as set in the fine schedule for a third (3rd) or subsequent offense in a one (1) year period.
5. Every person who sells tobacco products at retail shall post conspicuously and keep so posted at the place of business a sign, as specified by, the Alcoholic Beverage Laws Enforcement Commission (ABLE) stating the following: "IT'S THE LAW. WE DO NOT SELL TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE". The notice required by this section shall be the only notice required to be posted or maintained in any store that sells tobacco products at retail. When a person violates this subsection, the ABLE shall assess such person an administrative fine of fifty dollars (\$50.00) for each day such offense occurs.

6. Every person engaged in the business of selling tobacco products at retail shall notify each individual employed by that person as a retail sales clerk that state law:
- a. Prohibits the sale or distribution of tobacco products to any person under eighteen (18) years of age and the purchase or receipt of tobacco products by any person under eighteen (18) years of age; and
 - b. Requires that proof of age be demanded from a prospective purchaser or recipient if any ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under eighteen (18) years of age.

This notice shall be provided before the individual commences work as a retail sales clerk. The individual shall signify that he or she has received the notice required by this section by signing a form stating as follows: I understand that state law prohibits the sale or distribution of tobacco products to persons under eighteen (18) years of age and out-of-package sales and requires proof of age of purchaser or recipient if any ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under eighteen (18) years of age. I promise, as a condition of my employment, to observe the law."

7. It is unlawful for any person to sell tobacco products through a vending machine unless the vending machine is located:
- a. In areas of factories, businesses, offices or other places that are not open to the public;
 - b. In places that are open to the public but to which persons under eighteen (18) years of age are not admitted;
 - c. In places where alcoholic beverages are sold for consumption on the premises but only if the vending machine is under the continuous supervision of the owner or lessee of the premises or an employee thereof, and is inaccessible to the public when the establishment is closed; and
 - d. In other places but only if the machine is under the continuous supervision of the owner or lessee of the premises or an employee thereof; or can be operated only by the activation of an electronic switch by the owner or lessee of the premises or an employee thereof prior to each purchase, or can be operated only by a special token purchased from the owner or lessee of the premises, or an employee thereof.

In any place where supervision of a vending machine, activation of an electronic switch or sale of a special token is required by this section, the person responsible for that supervision or the activation of the switch shall demand proof of age from a prospective purchaser if any ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age.

Article 6. Offenses Against Public Authority.

Section 13-70. Escaping Custody.

No person lawfully in custody, before or after conviction for any violation of the ordinances of the town, or held in custody going to the county 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 custody, and escape or attempt to escape there from.

Section 13-71. Conveying Instruments to Assist Escape.

No person shall convey to a prisoner any disguised instrument or anything proper or useful to facilitate the escape of any prisoner lawfully committed to or detained in the custody of the town 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 13-72. 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.

Reference: 21 O.S. § 437, 441.

Section 13-73. 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 13-74. 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.

Reference: 21 O.S. § 649, 650.

Section 13-75. Resisting a Police Officer.

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

Section 13-76. Citizen's Duty to Assist.

It is the 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 13-77. 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 13-78. Eluding Police Officer by Motor Vehicle.

No operator of a motor vehicle who has received a visual or audible signal, a red light or a siren from a police officer driving a motor vehicle, showing the same to be an official police, sheriff or highway patrol car directing the operator to bring his vehicle to a stop, shall willfully increase his speed or extinguish his lights to elude or attempt to elude such police *officer*, or attempt in any other manner to elude the police officer.

Section 13-79. Use of Siren or Whistle.

1. 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.

2. 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 13-80. Impersonating a Police Officer or any Town Officer.

1. 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.
2. No person shall do or attempt any act to impersonate a police officer.
3. It is unlawful to falsely impersonate any officer or employee of the 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.

Reference: 21 O.S. § 263-264, 1533.

Section 13-81. False Statements, Reports or Complaints.

1. No person shall knowingly make or file or cause to be made or filed a false or misleading report or misrepresentation, allegation or complaint with the police department or any officer or employee of the town, or on any official application or to commit perjury before any tribunal of the town.
2. No person shall willfully and without probable 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 13-82. 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 13-83. 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 13-84. 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 13-85. Duties of the Public at Fires, Emergencies.

1. All persons at fires or other emergencies or accidents shall conduct themselves in an orderly and lawful manner and to assist in maintaining law and order.
2. No person at or near any fire or emergency shall conduct himself in a disorderly manner or neglect or refuse to promptly obey any order of the fire chief or his assistants relative to such fire; and no person shall resist, obstruct, hinder or abuse any officer of the fire department or any firefighter in the proper discharge of his duty.
3. Every police officer present at a fire shall keep back all persons who are in the way or impeding the work of the fire department and so far as possible protect all property from loss or injury, and cooperate with and assist the fire department in every way possible while at the fire. The fire chief or an assistant fire chief or any police officer shall have the power to designate persons to guard any goods.
4. No person shall follow or block the way of any emergency vehicle engaged in an emergency run, or knowingly interfere with officers at the location of any fire or emergency.

Reference: 21 O.S. § 127.

Section 13-86. Tampering With Signs, Equipment.

It is unlawful for any person to tamper with any signs, signal equipment or other device placed, operated and maintained by the town in connection with the administration of its code provisions, ordinances, regulations, services, functions or performance of duties thereto.

Article 7. Penalty.

Section 13-87. Penalty.

Any person, firm or corporation who shall violate any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code. Each day's continuation of any such violation shall be a separate offense.

CHAPTER 14

OIL AND GAS DRILLING

Article 1. General Provisions.

Article 1. General Provisions.

Section 15-1. (Reserved for future use.)

CHAPTER 15

PARKS AND RECREATION

- Article 1. Park and Recreation Board.
- Article 2. Miscellaneous Provisions.
- Article 3. Penalty.

Article 1. Park Board.

Section 15-1. Park and Recreation Board Created.

There is hereby created a Park and Recreation Board, consisting of five (5) members appointed by the Mayor with approval of the Town Board of Trustee. The Board of Trustees may also elect to serve as members of the Park and Recreation Board. The Park and Recreation Board shall be responsible for the care, management and control of all municipal parks and recreation areas. The Park Board may make such rules and regulations governing its operations as it may deem necessary.

Section 15-2. Board of Trustees to Make Rules.

1. The board of trustees shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with the use of all recreational and park facilities owned or operated by the town.
2. All park and recreation areas are open to use by the general public. All areas are intended to be used for outdoor activities with general control in accord with the town ordinances, state statutes and federal regulations when applicable to the recreational facility. To function in a manner for the best interest of the general public, the following rules apply:
 - a. Some areas may be required to charge a fee for use and management by the town, such as baseball, softball, coach pitch, swimming pool and park pavilion and any other future recreational facilities. The town will be allowed to charge a reasonable fee in order to defray the expense of operational costs;
 - b. Areas may be reserved through the process of booking the facilities through the office of the town clerk-treasurer and area use policies;
 - c. Abuse of use of all facilities will be dealt with in accord with the local, state and federal laws and regulations;
 - d. It is unlawful and an offense for any owner of a horse or mule, or any bovine animal, or of anyone in control thereof, to ride or lead the animal, or cause the animal to be present within any of the park systems of the town. Such prohibited areas shall include the roads and easements and rights of way within the park, or being a part of the park system.

Article 2. Miscellaneous Provisions.

Section 15-10. Public Parks.

All places heretofore owned by the Town of Burns Flat and used as parks or lakes or municipal water supply are hereby declared to be public parks within the meaning of this chapter, and are subject to all rules and regulations set out in this chapter.

Section 15-11. Defacing Property.

No person shall write upon or mark or deface in any manner or use in any improper way, any water closet, park seat, building, fence or other property in any park.

Section 15-12. Driving in Parks.

No person shall drive or ride upon the grass or footways or walks or elsewhere in any town park other than upon established roads provided for the use of automobiles and other vehicles.

Section 15-13. Speed.

No person shall drive or ride at a greater rate of speed than twenty (20) miles an hour within any town park.

Section 15-14. Injuring Trees, etc.

No person shall break, cut, mutilate or injure, remove or carry away any trees, shrubs, plants, flowers, stone, stone walk, bench, chair, seat, bower, stand, structure, fence, property or anything whatsoever in, upon, or near any town park, or any street, avenue or highway around the same.

Section 15-15. Nuisance or Indecency.

No person shall commit any nuisance or any offense against decency and good morals in any town park.

Section 15-16. Throwing Stones, Rubbish or Glass Containers; Glass Beverage Containers Prohibited in Lake Areas.

No person shall throw stones, rubbish or glass containers of any kind into any lake or pond or stream or other place in the parks, except into receptacles designated for that purpose. No person shall bring or use glass beverage containers within lake areas owned by the town designated "No Glass Containers."

Section 15-17. Hunting or Molesting Animals or Fowl.

No person shall hunt, chase, kill, set snares for, pet, or tease any rabbit, duck, goose, squirrel, bird, fish or any other fowl, animal or thing in any town park.

Section 15-18. Bill Posting.

No person shall paste, affix, or inscribe any handbill, poster, card, device or inscription to or upon or against any fence, structure or property of or on any town park or highway, street or avenue surrounding the same.

Section 15-19. Disorderly Behavior.

No person shall curse, swear or use abusive language or fight, throw stones or behave in a riotous or disorderly manner in any town park.

Section 15-20. Vending and Retailing.

No person shall set up any booth, table, stand or other device for vending or retailing any article or services, without prior approval of the Town Administrator or Town Clerk-Treasurer.

Section 15-21. Fouling Water.

No person shall foul in any manner any pool, spring, drinking fountain or stream in any park.

Section 15-22. Keep to Right.

All automobiles, vehicles or equestrians, when meeting on the driveway in any park, shall keep to the right, and also comply with all other requirements of the traffic ordinances of the Town of Burns Flat in the use of the driveways by automobiles or other vehicles.

Section 15-23. Trespassing.

No person shall go or walk upon any space in the parks reserved for flowers or other plants or otherwise invade any plot reserved by the Town of Burns Flat for shrubbery, grass or flowers or for any other purposes.

Section 15-24. Disturbing Picnics.

No person shall disturb or interfere with any picnic or social gathering or program of any group or persons in any town park.
Section 15-25. Domestic Fowl or Animal at Large.

No person shall permit any domestic fowl or animal to run at large in any town park.

Section 15-26 through 15-29 (Reserved for future use.)

Section 15-30. Firearms, Camping, Fireworks and Open Fires Prohibited in Any Town Park Area; Exceptions.

1. No person shall possess or discharge a firearm in any town park.
2. No person shall camp overnight in any town park.
3. No person shall possess or discharge fireworks in any town park.
4. No person shall build an open fire in any town park, except in grills sturdily constructed for safe cooking and minimization of risk of wildfire.

Article 3. Penalty.

Section 15-31. Penalty.

Any person, firm or corporation who shall violate any provisions of this chapter shall be guilty of any offense and, upon conviction thereof, shall be punished by fine and costs as provided in Section 1-20 of this Code. Each day's continuation of any such violation shall constitute a separate offense.

CHAPTER 16

PLANNING AND COMMUNITY DEVELOPMENT

Article 1.	Planning Commission.
Article 2.	Board of Adjustment.
Article 3.	Citation, Purpose, Nature and Application of Zoning Ordinance.
Article 4.	Definitions.
Article 5.	Establishment of Districts.
Article 6.	Specific District Regulations.
Article 7.	General Provisions Applying to All or to Several Districts.
Article 8.	Nonconforming Buildings, Structures and Uses of Land.
Article 9.	Administration.
Article 10.	Subdivision Regulations General Provisions.
Article 11.	Design.
Article 12.	Improvements.
Article 13.	Plat Preparation and Approval Procedure.
Article 14.	Administration and Amendment.
Article 15.	Soil Erosion Control.
Article 16.	General Policies and Design Standards for Storm Drainage and Flood Hazard Areas.
Article 17.	Penalty.

Article 1. Planning Commission.

Section 16-1. Planning Commission: Created.

There is hereby created a planning commission, also to be known and to act as a zoning commission, for the Town of Burns Flat, Oklahoma, which said commission shall consist of five (5) citizens of said town as hereinafter provided. The members thereof shall be nominated and appointed solely with reference to their fitness and without reference to party affiliations and shall serve without compensation, except as hereinafter provided.

Section 16-2. Planning Commission: Membership.

The members of said commission shall hold office for a term of three (3) years, with the exception that in the first (1st) instance two (2) shall be appointed to serve a term of one (1) year, two (2) for a term of two (2) years and one (1) for a term of three (3) years. The appointments thereafter shall be made for a term of three (3) years, except that when a vacancy occurs the appointment to fill said vacancy shall be made to fill the unexpired term.

Section 16-3. Mayor to be Ex-Officio.

The mayor shall be an ex-officio member of said commission, but shall receive no compensation other than their fixed salaries as said officials.

Section 16-4. Planning Commission: Quorum Voting.

Three (3) members of the town planning commission shall constitute a quorum for the transaction of business. Provided, however, that no action shall be taken and be binding upon said commission unless concurred in by not less than a majority of all members comprising said commission.

Section 16-5. Planning Commission: Appointment of Members.

The mayor of the Town of Burns Flat shall appoint the members of the town planning commission, subject to approval and confirmation by the Town Board of Trustees.

Section 16-6. Planning Commission: Organization, By-Laws, etc.

The members of the town planning commission shall meet within two (2) weeks after their appointment and conformation, and shall organize by electing from their members, a chairman, vice-chairman, and secretary, each of whom shall serve for a period of

one (1) year, or until their respective successors are elected; and said commission shall adopt, from time to time, such by-laws, rules, regulations, and amendments thereto as may be necessary to effectuate the purposes of Section 16-1 to Section 16-9 of this Article.

Section 16-7. Planning Commission: Powers and Duties, Personnel, Expenses.

The members of the planning commission shall serve without pay, and it shall be the duty of such commission to prepare, from time to time, plans for the systematic development and betterment of the Town of Burns Flat, as a place of residence and for business. It shall have the power and authority to employ engineers, attorneys, clerks, and a secretary or other help deemed necessary, subject to the approval of the Town Board of Trustees of said town. The salaries and compensation of such employees shall be fixed by the Town Board of Trustees, and shall be paid out of the town treasury as other officers and employees; and the necessary expenses incurred by said planning or zoning commission shall be paid out of the town treasury as other legal expenses of the town government.

Section 16-8. Planning Commission: Powers and Duties, (cont.).

The Town Planning Commission, or zoning commission, may consider and investigate any subject matter tending to the development and betterment of such municipality and make such recommendations as it may deem advisable concerning the adoption thereof to the Town Board of Trustees of said town and said commission may, for any purpose, make or cause to be made, surveys, maps, or plans before the final action shall be taken by the Town Board of Trustees, in the location and design of any public building, statue, memorial, park, boulevard, street and alley, playground, alley, or the grade thereof; such question shall be submitted to said town planning commission for investigation and report. All plans, plat or re-plat of land laid out in lots or plats and streets, alleys or other portion of the same intended to be dedicated to public or private use within the corporate limits of said town, shall first be submitted to said town planning commission for its approval or rejection. The disapproval of any such plan, plat or re-plat by the legislative body of said Town of Burns Flat, shall be deemed a refusal of the purported dedication shown thereon.

Section 16-9. Planning Commission: Zoning, Fees, etc.

Said Town Planning Commission, acting as a zoning commission shall recommend to the Town Board of Trustees appropriate regulations to be adopted and enforced within said town, and with reference to the zoning thereof; the planning commission shall make a preliminary report and hold public hearings thereon before submitting its final report to the aforesaid legislative body; and such legislative body shall not hold its hearings or take action thereon until it has received the final report of such zoning commission.

Applications for changing zoning classifications from one district to another shall pay fee to be determined by motion or resolution of the legislative body of the Town of Burns Flat to defray the publication and other administrative charges as may be incurred, but, in no event will the charge be less than seventy-five dollars (\$75.00).

Article 2. Board of Adjustment.

Section 16-10. Board of Adjustment: Created, Membership and Meetings.

A board of adjustment is hereby created, consisting of five (5) members, each to be appointed for a term of three (3) years, said members to be nominated by the mayor and approved by the Town Board of Trustees. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant, in the same year. The Board of Adjustment shall adopt rules in accordance with the provisions of Section 16-10 to Section 16-13 of this Article or any amendment thereto. Meetings of said board shall be held at the call of the chairman and at such times as the board may determine. The chairman, or in his absence the acting chairman, may administer the oaths and compel the attendance with witnesses. All meetings of said board shall be open to the public. Said board shall keep minutes of its proceedings, show the vote of each member upon each question or if absent or failing to vote, indicate such facts, and shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall become a public record.

Section 16-11. Board of Adjustment.

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision or determination made by the planning or zoning commission, or the building officials.
2. To hear and decide special exceptions to the terms of the zoning ordinance upon which such board is required to pass.
3. To authorize upon appeal in specific cases such variances from the terms of the zoning ordinances as will not be contrary to public interest, where owing to a special condition or conditions, a literal enforcement of the provisions of such ordinances will result in unnecessary hardships, and so that the spirit of said zoning ordinances shall be observed and substantial justice done.

In exercising the above mentioned powers such board may, in uniformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officers, or board, from whom the appeal is taken. The concurring vote of four (4) members of said Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or of said planning or zoning commission, or to decide in favor of the applicant on any matter upon which it is required to vote under any such ordinance, or to effect any variation in such ordinance.

Where there are particular difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of the zoning ordinances, said Board of Adjustment shall have the power, in a specific case, to vary any such provision in harmony with the general purpose and intent, so that the public health, safety, best interest, orderly growth and general welfare of said town may be secured and substantial justice done.

Section 16-12. Board of Adjustment: Appeals To.

Appeals from the action of the building officials, or the planning or zoning commission, the Board of Adjustment may be taken by any person aggrieved or by any officer, department or board of the municipality affected by any such action or decision. Such appeal shall be taken within three (3) days from the date of the decision of such building officials or planning or zoning commission, by filing with said building officials or planning board, as the case may be, and with the Board of Adjustment, a notice of appeal, specifying the grounds thereof, and paying a filing fee, as established by motion or resolution of the legislative body of the Town of Burns Flat, but in no event will the fee be less than fifty dollars (\$50.00), payable at the office of the Town Clerk-Treasurer at the time the notice is filed. The building official or planning commission, shall forthwith transmit to the Board of Adjustment certified copies of all the papers constituting the record of said matter, involved in said appeal, together with a copy of the ruling or order from which said appeal is taken.

An appeal shall stay all proceedings furtherance of the action or decision appealed from, unless the building officials or planning board certifies to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would in the opinion of such building commissioner or planning commission cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application or notice to the officer, or planning commission, from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall hear said appeal within (10) days from the filing thereof, giving public notice of said hearing, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agency or by attorney.

Section 16-13. Board of Adjustment: Appeals From.

Appeals from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved or any taxpayer or an officer, department, board or bureau of the Town of Burns Flat to the district court of Washita County, Oklahoma, by filing with the Town Clerk-Treasurer and with the clerk of the Board of Adjustment, if there be one, within ten (10) days a notice of appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal as herein provided, the said Board of Adjustment shall forthwith transmit to the court papers constituting the records in the case, together with the order de novo in the district court. An appeal shall lie from the action of the district court as in all other civil actions.

An appeal to the district court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from,

unless the chairman of the Board of Adjustment, from which the appeal is taken, certifies to the court clerk, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the building officials or planning commission, as the case may be, and upon notice to the chairman of the Board of Adjustment from which the appeal is taken; and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

Section 16-14. (Reserved for future use.)

Article 3. Citation, Purpose, Nature and Application of Zoning Ordinance.

Section 16-15. Citation.

This article in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title II, Section 43-101 to Section 43-109, Section 44-101 to Section 44-110 and Section 45-101 to Section 45-105 of the Oklahoma Statutes, 1980, as amended, shall be know as the “Zoning Ordinance of the Town of Burns Flat”, and may be cited as such.

Section 16-16. Purpose.

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. In interpreting and applying the provisions of this article, they shall be held to be necessary for the promotion of the public health, safety, comfort, convenience and general welfare.

Section 16-17. Nature and Application.

The article classifies and regulates the use of land, buildings and structures within the corporate town limits of the Town of Burns Flat, State of Oklahoma, as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience and welfare of the inhabitants by dividing the town into zoning districts and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

Except as herein otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in conformity with the regulations contained herein.

Article 4. Definitions.

Section 16-18. Interpretation of Words and Terms.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word construction of the writing indicates otherwise. The word “shall” is mandatory and not directory.

1. **ACCESSORY BUILDING:** A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises.
2. **ACCESSORY USE:** A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located on the same lot therewith.
3. **ADVERTISING SIGN OR STRUCTURE:** Any cloth, card, paper, metal, glass, wooden, plastic, stone sign or other sign, device or structure of any character whatsoever, including statuary placed for outdoor advertising purposes on the ground or any tree, wall bush, rock, post, fence building or structure. The term “place” shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner

- whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this ordinance.
4. ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to back or side or properties otherwise abutting a street, and which may be used for public utility purposes.
 5. APARTMENT HOUSE: See Dwelling Multiple.
 6. AUTOMOBILE: A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, busses, trucks, motor scooters and motorcycles.
 7. BASEMENT: A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-way of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes other than a janitor employed on the premises.
 8. BOARDING HOUSE: A dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging are provided for three (3) or more, but not exceeding twenty (20) persons on a weekly or monthly basis.
 9. BUILDING: Any structure intended for shelter, housing or enclosure for persons, animals for chattel. When separated by dividing walls without openings, each portion or such structure so separated, shall be deemed a separate building.
 10. BUILDING HEIGHT: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deckline of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
 11. BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.
 12. BUILDING SITE: A single parcel of land under one (1) ownership, occupied or intended to be occupied by a building or structure.
 13. CARPORT: A roofed shed with three (3) or four (4) open sides used primarily as a shelter for cars.
 14. CHILD CARE CENTER: Anyplace, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities.
 15. COVERAGE: The lot area covered by all buildings located thereon, including the area covered by all over hanging roofs.
 16. DISTRICT: Any section or sections of the Town of Burns Flat for which the regulations governing the use of land and the use, density, and other laws or ordinances, and having its principle frontage on a street.
 17. DWELLING: Any building or portion thereof, which is designed or used as living quarters for one (1) or more families, but not including trailer homes. (See Trailer Home.)
 18. DWELLING, SINGLE-FAMILY: A detached dwelling designed to be occupied by one (1) family.
 19. DWELLING, TWO-FAMILY: A detached dwelling designed to be occupied by two (2) families living independently of each other.
 20. DWELLING, MULTIPLE: A detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels.

21. **FAMILY:** One (1) or more persons related by blood, marriage, or adoption, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.
22. **GARAGE APARTMENT:** A dwelling unit for one (1) family erected above a private garage.
23. **GARAGE PARKING:** Any building, or portion thereof, used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.
24. **GARAGE, PRIVATE:** An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory.
25. **GARAGE, PUBLIC:** Any garage other than a private garage, available to the public, where vehicles are parked or stored for remuneration, hire or sale.
26. **GARAGE, REPAIR:** A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.
27. **GASOLINE SERVICE OR FILLING STATION:** Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automatic automobile washing or the sale of butane or propane fuels.
28. **HOME OCCUPATION:** Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one non-illuminated nameplate not more than two square feet in area attached to the main or accessory building, and no mechanical equipment is used except as is customary for purely domestic or household purposes. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. A tea room or restaurant, rest home or clinic, doctor's or dentist's office, tourist home, or cabinet, metal or auto repair shop, barber shop or beauty salon shall not be deemed a home occupation.
29. **HOTEL:** A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.
30. **KENNEL:** Any lot or premises on which are kept four (4) or more dogs, more than six (6) months of age.
31. **LOT:** Any plot of land occupied or intended to be occupied by one (1) main building, or group of main buildings, and accessory buildings and uses, including such open spaces as are required by this ordinance.
32. **LOT, CORNER:** A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty five (135°) degrees.
33. **LOT, DEPTH:** The mean horizontal distance between the front and rear lot lines.
34. **LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
35. **LOT, INTERIOR:** A lot other than a corner lot.
36. **LOT, AREA:** The total area measured on a horizontal plane, included within lot lines.
37. **LOT, FRONTAGE:** That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner

lot.

38. LOT LINES: The lines bounding a lot.

39. MEDICAL FACILITIES: Any of the following:

- a. Convalescent, Rest, or Nursing Home: A health facility where persons are housed and furnished with meals and continued nursing care for compensation.
- b. Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.
- c. Dental Office or Doctor's Office: Same as dental or medical clinic.
- d. Hospitals: An institution providing health services primarily for human inpatients medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- e. Public Health Center: A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- f. Sanatorium: An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.

40. NONCONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

41. OFF-STREET PARKING SPACE: A parking space not on or extending over any public easement or right-of-way.

42. PARKING SPACE: A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

43. ROOMING HOUSE: A building where lodging only is provided for compensation to three (3) or more, but only exceeding twenty (20) persons. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel under the terms of this ordinance.

44. SELF-SERVICING LAUNDRY OR DRY CLEANING ESTABLISHMENT: Any attended or unattended place, building or portion thereof; available to the general public for the purpose of washing, drying, extracting moisture from, or dry-cleaning wearing apparel, cloth, fabrics, and textiles of any kind of means of a mechanical appliance which is operated primarily by the customer.

45. STABLE, PUBLIC: A stable, other than a private stable, with a capacity for more than two (2) horses or mules.

46. STABLE, PRIVATE: A stable with a capacity for not more than two (2) horses or mules.

47. STORY: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be not floor above it, then the space between the floor and the ceiling next above it.

48. STORY, HALF: A space under a sloping roof which as the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds ($\frac{2}{3}$) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

49. STREET: Any public or private thoroughfare which affords the principal means of access to abutting property.

50. STREET, INTERSECTING: Any street which joins another street at an angle, whether or not it crosses the other.

51. **STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.
52. **STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
53. **TOURIST COURT:** An area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient families and intended primarily for automobile transients.
54. **TOURIST HOME:** A dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.
55. **TRAILER COURT OR MOBILE HOME PARK:** A parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one (1) or more trailer houses or mobile homes.
56. **TRAILER COURT OR MOBILE HOME SPACE:** A plot of ground within a trailer court designed for the accommodation of one (1) mobile home.
57. **TRAILER OR MOBILE HOME:** A portable or mobile living unit designed or used for human occupancy on a permanent basis.
58. **TRAILER, TRAVEL OR CAMPING:** A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not containing less than one hundred seventy-five (175) square feet of floor area.
59. **TRAILER, HAULING:** A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.
60. **YARD:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this article that an accessory building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.
61. **YARD, FRONT:** A yard located in front of the front elevation of a building and extending across the lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.
62. **YARD, REAR:** A yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot lines and the rear of the outside wall of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
63. **YARD, SIDE:** A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Article 5. Establishment Of Districts.

Section 16-19. Number of Districts.

For the purpose of this ordinance, the following districts are hereby established for the Town of Burns Flat:

- A-1 General Agricultural District
- R-1 Residential District
- C-1 Neighborhood Business District
- I-1 Industrial District
- F Flood Hazard District
- PUD Planned Unit Development District

The Town of Burns Flat is hereby divided into districts as shown on the zoning map, filed with the Town Clerk-Treasurer. The zoning map of the Town of Burns Flat and all of the notation, references, and other matters shown thereon, shall be made as much a part of this ordinance as if the notations, references or other matters set forth by said map were all fully described herein; which district map is on files in the office of the Town Clerk-Treasurer at the Town Hall of the Town of Burns Flat.

Section 16-20. Zoning District Map.

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the Town, said map being part of this ordinance as fully as if the same were set forth herein in detail.

Section 16-21. Zoning District Boundaries.

1. The district boundary lines shown on the zoning map are usually along streets, alleys, property lines or extensions thereof; where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the following rules apply:
 - a. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - c. Boundaries indicated as approximately following town limits shall be construed as following town limits.
 - d. Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way, or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines of such railroad.
 - e. Boundaries indicated as parallel to or extensions of features indicated in (a) through (b) above shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined by the scale of the map.
 - f. Whenever any street, alley or other public way is vacated by official action of the Town Board or whichever such area is franchised for building purposes, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
2. Where physical features on the ground are at variance with information shown on the official Zoning District Map, or when there arises a question as to how or whether a parcel of property is zoned and such questions cannot be resolved by the application of subsections (a) through (f), the property shall be considered as classified A-1, General Agricultural District, temporarily, in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions providing for amendments to the Zoning Ordinance and Map.

Section 16-22. Zoning – Annexed Territory.

All territory hereafter annexed to the town shall be classified as A-1 Agricultural District, unless otherwise designated. The procedure for amending zoning on annexed territory shall conform to the procedure herein established providing for amendments to the Zoning Ordinance and Map.

Section 16-23. Compliance Required.

All land, building, structures or appurtenances thereon located within the Town, which are hereafter occupied, used, erected, altered, removed, demolished or converted shall be used, removed, placed or erected in conformance with the zoning regulations prescribed for the Zoning District in which such land or building is located as hereinafter provided.

Section 16-24. Vacation of Public Easements.

Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated

portions of land accrue shall become the classification of the vacated land.

Article 6. Specific District Regulations.

Section 16-25. General Description.

This district is intended to provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes, but which will be undergoing urbanization in the near future. Many tracts in this district will be in close proximity to residential and commercial uses. Therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, required area, and the intensity of use of land permitted in this district are designed to encourage and protect agricultural uses so long as the land therein is devoted primarily to agriculture.

Section 16-26. Uses Permitted.

Property and buildings in A-1 General Agricultural District shall be used only for the following purposes:

1. Detached one-family
2. Church
3. Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping.
4. Agriculture crops
5. The raising of farm animals in accordance with the ordinance of the Town of Burns Flat, but not the operation of commercial feed pens for livestock. On all tracts of land containing less than ten (10) acres, the raising of hogs shall be prohibited, and on all other tracts the number of hogs weighing more than twenty-five (25) Pounds shall not exceed twenty (20) grain fed or three (3) garbage-fed hogs. Hogs shall not be located closer than two hundred (200) feet to the property line of the tract on which they are located.
6. Oil well or gas well, including the drilling thereof.
7. All of the following uses:
 - a. County club and golf course,
 - b. Home occupation,
 - c. Library,
 - d. Park or playground or public recreation area, and
 - e. Plan nursery.
8. Transportation, pipeline and utility easements and rights-of-way.
9. Bulletin board or sign, not exceeding forty (40) square feet in area appertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.
10. Accessory buildings which are not a part of the main building, including barns, sheds, and other farm buildings, and private garages and accessory buildings which are a part of the main buildings.

Section 16-27. Conditional Uses Permitted on Review.

The following uses may be permitted on review by the Planning Commission in accordance with the provisions contained in Section 16-86, Article IX of this Ordinance.

1. Airport or landing field.

2. Cemetery.
3. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed one (1) operator. The used shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one (1) non-illuminated nameplate not exceeding two (2) square feet in area, attached to the main building.
4. Kennel.
5. Private marina, boat docks, golf course or driving range, or other private outdoor recreation activity.
6. Public stable or riding academy.
7. Radio and television stations and transmission towers.
8. Sewage lagoons.
9. Mobile home parks.
10. Any use not otherwise authorized by this Ordinance.

Section 16-28. Area Regulations.

The area regulations are as follows:

1. Front Yard: All buildings shall set back from street right-of-way lines to comply with the following front yard requirements:
 - a. All buildings shall set back from a state or federal highway, county highway or section line road a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater.
 - b. On all public roads or streets other than federal, state or county highways and section line roads all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater.
 - c. If twenty-five percent (25%) or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average set-back line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average set-back line, then no building shall be erected closer to the street line than the minimum set-back so established by existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.
 - d. When a lot has double frontage, the front yard requirements shall be compiled with both streets.
2. Side Yard:
 - a. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight (8) feet for dwellings of one (1) story, except as hereinafter provided in Section 16-61, Article 7.
 - b. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.
 - c. For dwellings and accessory building located on corner lots there shall be a side yard set back from the Intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings, and accessory buildings or an interior lot.

3. Rear Yard: There shall be a rear yards for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.
4. Lot Width: For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.
5. Churches and main and accessory buildings, other than dwelling and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.
6. Intensity of Use:
 - a. For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than one (1) acre.
 - b. For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Section 16-69 through Section 16-76, Article 7.
7. Coverage: Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

Section 16-29. Height Regulations.

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height except as provided in Section 16-62, Article 7.

R-1 Residential District

Section 16-30. General Description.

In the residential district, the principal use of land is for dwellings and related recreational, religious and educational facilities normally required to provide and orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Stability of property values, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

Section 16-31. Uses Permitted.

Property and buildings in an R-1 Residential District shall be used only for the following purposes:

1. Detached one (1) family dwelling.
2. Two (2) family dwelling.
3. Multi-family dwelling.
4. Churches, but not including missions or revival tents or arbors.
5. Public schools or schools offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
6. Public park or playground.
7. Library.
8. Transportation and utility easements, alleys, and rights-of-way.

9. Accessory buildings which are not a part of a main building, including one (1) private garage.
10. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire, sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.
11. A church bulletin board or sign, not exceeding twenty-five (25) square feet in area, attached to the main building or located behind the front building line on the same lot with the church building.
12. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed.
13. Parking lot required to serve the uses permitted in this district.
14. General purpose garden, but not the raising of livestock.

Section 16-32. Conditional Uses Permitted On Review.

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Article IX, Section 16-91.

1. Municipal use, public building and public utility.
2. Golf course or country club.
3. Double-wide trailer home.
4. Child care center.
5. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed two operators. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate, not exceeding two (2) square feet in area, attached to the main building.
6. Institutions of a religious, educational or philanthropic nature.
7. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on at a business.
8. Medical facility.
9. Trailer home or mobile home park (regulated by Chapter 13, Article 2, Town Code of Burns Flat).
10. An off-street parking lot associated with a C-Commercial use as required under the provisions of Article 7, Section 16-69 through Section 16-76.

Section 16-33. Area Regulations.

All buildings shall be set back from street right-of-way and lot lines to comply with the following yard requirements:

1. Front Yard:
 - a. The minimum depth of the front yard shall be twenty-five (25) feet.
 - b. If twenty-five percent (25%) or more of the lots on one side of the street between two intersecting streets are improved with building, all of which have observed an average set-back line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average set-back line, then no building shall be erected closer to the street line than the minimum set-back so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.

- c. When a yard has double frontage, the front yard requirements shall be complied with on both streets.

2. Side Yard:

- a. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one (1) story, except as hereinafter provided in Article 7, Section 16-61.
- b. For unattached buildings of accessory use, there shall be a side yard of not less than five (5) feet, including overhangs.
- c. For dwellings and accessory buildings located on corner lots there shall be a side yard set back from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.
- d. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

3. Rear Yard:

- a. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty (20%) percent of the depth of the lot, whichever amount is smaller, including five (5) feet of overhang. Unattached accessory buildings shall not be located less than ten (10) feet from any other structure.
- b. There shall be a minimum lot width of fifty (50) feet at the front building line for single-family dwellings and ten (10) feet additional width at the front building line for each family, more than one (1), occupying a dwelling. However a lot width at the front building line shall not be required to exceed one hundred and fifty (150) feet. A lot shall abut on a street not less than thirty-five (35) feet.

4. Intensity of Use:

- a. There shall be a lot area of not less than five thousand (5,000) square feet for a single-family dwelling, not less than six thousand (6,000) square feet for a two (2) family dwelling, and an additional area of not less than five hundred (500) square feet for each family, more than two (2) occupying a dwelling.
- b. There shall be a lot area of not less than six thousand (6,000) square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located in the rear yard of a two (2) family or multiple-family dwelling the lot area shall be not less than five hundred (500) square feet more than is required for the two (2) family or multiple-family dwelling.
- c. For churches an main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Section 16-69 through Section 16-76, provided however, that the lot for a church shall not be less than twenty-one thousand (21,000) square feet.
- d. For condominium and town houses there shall be a lot area of not less than three thousand (3,000) square feet for each unit within the condominium or town house complex and no less than two (2) parking spaces per unit shall be provided. Ingress and egress shall be made by a thorough fare of not less than thirty-two feet (32') back to back of curb. All area regulations shall apply to Section 16-60 through Section 16-76, Article 7.

5. Carport:

- a. For the erection of a carport there shall be not less than one and one half (1½) feet from front right-of-way or boundary line and not less than two and one half (2½) feet from side right-of-way or boundary line. Provided however, no carport shall be erected that impairs or obstructs sight lines as set forth in Chapter 18, Article 7, Section 16-66 paragraph 6.

- b. To maintain conformity of surrounding property all materials shall conform to Chapter 18, Article 7, Section 16-70.
- c. It shall be the responsibility of the property owner and or contractor to provide a diagram and or drawings showing compliance with boundary lines, sight line and material requirements.

6. Coverage:

Main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

7. Parking:

No automobile (which includes pickups) or trailers (which include mobile homes, travel trailers, camping trailers and hauling trailers) shall be parked wholly or partially in the front yard or any lot which is zoned R-1 (residential). Vehicles or trailers must be parked on a continuous surface designed for parking.

Section 16-34. Height Regulations.

No building shall exceed two and one-half (2½) storied or thirty-five (35) feet in height, except as provided in Article 7, Section 16-62.

Sections 16-35 through 16-39. Reserved for future use.

C-1 Neighbor Business District

Section 16-40. General Description.

This commercial district is for the conduct of minimum retail trade and personal service enterprises adjacent to residential areas. Because the offices and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational uses, more restrictive requirements for light, air, open space and off-street parking are made than are provided in other commercial districts.

Section 16-41. Uses Permitted:

- 1. Any use permitted in Residential District.
- 2. Any use permitted on review in a Residential District.
- 3. Retail stores and business offices which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, as follows:

Art School, gallery or museum	Drug store	Novelty shop
Artists materials, supply studio	Dry goods store	Office business
Baby shop	Dress shop	Optometrist sales and service
Barbershop	Florist shop	Photographer studio
Beauty shop	Interior decorating shop	Pharmacy
Book or stationary store	Jewelry or notion store	Professional offices
Camera shop	Medical facility	Stock and bond broker
Clothing or apparel shop	Messenger or telegraph service	Tailor shop
Curio or gift shop	Newspaper or magazine sales	Toy store

- 4. Name plat and sign relating only to the use of the store and premises, which shall be attached to the building.
- 5. Accessory buildings and uses customarily incidental to the above uses.

6. A building used for any of the above enumerated uses may not have more than forty (40%) percent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in 1-5 above shall be displayed or stored outside of a building.

Section 16-42. Conditional Uses Permitted On Review.

The following uses may be permitted on review by the Planning Commission in accordance with the provisions contained in Article 9, Section 16-91.

1. Bars.
2. Private clubs.
3. Liquor stores.
4. Amusement and recreation enterprises.
5. Any use not otherwise authorized by this Ordinance.

Section 16-43. Area Regulations.

The area regulations for dwellings shall be the same as the requirements of the R-1 Residential District. The following requirements shall apply to all other uses permitted in this district:

1. Front and Side Yard:

There are no specific front or side yard requirements for uses other than dwelling.

2. Rear Yard:

There shall be provided an alley, service court, rear yard, or combination thereof, of not less than ten (10) feet in width.

3. Area for Off-Street Parking:

Buildings shall be provided with a yard area adequate to meet the off-street parking requirement set forth in Article 7, Section 16-69 through Section 16-76.

Section 16-44. Height Regulations.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article 7, Section 16-62.

Section 16-45. Screening Regulations.

Ornamental screening shall be provided by all uses permitted by providing a solid wall of not less than seven (7) feet in height when abutting an R-District. For the purposes of this ordinance abutting shall include an R-District separated by an alley.

I-1 General Industrial District

Section 16-46. General Description.

This industrial district is intended primarily for the conduct of manufacturing, assembling and fabrication. These uses do not depend primarily on frequent visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities.

Section 16-47. Uses Permitted.

Property and buildings in an I-1 District shall be used only for the following purposes:

1. Any use, except a residential use, permitted in R-1 or C-1 District. No dwelling uses except sleeping facilities for caretakers and night watchmen employed on the premises shall be permitted.
2. Any of the following uses:

Bottling works Book bindery Candy manufacturing Engraving plan, including memorial stones Electrical equipment assembly Electronic equipment assembly and manufacture Food products processing and packing Furniture manufacturing	Jewelry and watch manufacturing Leather goods fabrication Optical goods manufacturing Paper products manufacturing Shoe manufacturing Sporting good manufacturing Wholesale or warehousing enterprise
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3. Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant.
4. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
5. Farm produce, grain and feed storage including grain elevators.
6. Freightage or trucking yard or terminal.
7. Oil field equipment storage yard.
8. Public utility service yard or electrical receiving or transforming station.
9. Town and county equipment service yard.
10. The following uses when conducted within a completely enclosed building:
 - a. The manufacture, compounding, processing or packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.
 - b. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellulose, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.
 - c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
 - d. The manufacture and maintenance of electric and neon signs, commercial advertising structure, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.
 - e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.
 - g. Machine shop
 - h. Foundry casing lightweight nonferrous metal not causing noxious fumes or odors.
 - i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.
 - j. Buildings, structures and uses accessory and customarily incidental to any of the above uses.

The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

Section 16-48. Conditional Uses Permitted On Review.

The following uses may be permitted on review by the Planning Commission in accordance with the provisions contained in Article 9, Section 16-86.

1. Cement, lime or gypsum manufacture.
2. Commercial feed pens for livestock.
3. Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants.
4. Natural gas production and distribution.
5. Packing house.
6. Petroleum production and refining.
7. Sale barn.
8. Salvage yards for automobiles, building materials, scrap metals, junk or for any other kind of salvage; provided, however, that all salvage operations shall be so screened by ornamental walls, fences of evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located.
9. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.
10. Any use not otherwise authorized by this ordinance.

Section 16-49. Area Regulations.

1. Front Yard:

All buildings shall set back from the street right-of-way line to provide a front yard having not less than fifteen (15) feet in depth.

2. Side Yard:

No building shall be located closer than ten (10) feet to a side lot line, except when abutting an R-District. Then, it shall have a thirty-five (35) feet side yard.

3. Rear Yard:

Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is greater. In all other cases no rear yard is required; provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the rear lot line that adjoins a dwelling district.

4. Yard Area:

Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article 7, Section 16-69 through Section 16-76.

Section 16-50. Height Regulations.

No building shall exceed ninety (90) feet in height, except as hereinafter provided in Article 7, Section 16-62.

Section 16-51. Screening Regulations.

No article or material permitted in this district shall be kept, stored, or displayed outside the confines of a building unless it be so screened by fences, walls, or plantings that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

F-Flood Hazard District.

Section 16-52. General Description.

This district is intended to comprise those areas which are subject to periodic or occasional flooding during a one hundred (100) year frequency flood, which results in special hazards to life and property, in the disruption of commerce and governmental services and poses a direct threat to the public health, safety and general welfare. These regulations are designed to regulate and control uses within the flood hazard district to protect human life and health, to minimize damage to public and private property, to minimize surface and ground water pollution, to prevent the encroachment of buildings and improvements in floodway and flood fringe areas which will impede runoff and contribute to flooding in other area, and to protect natural scenic areas and provide for the conservation of natural resources.

Section 16-53. Application As Combining (Overlay) Regulations.

The boundaries of the Flood Hazard District, which is composed of floodway and flood fringe areas, may cut across and overlay the boundaries of other zoning districts. The regulations applicable to the Flood Hazard District shall be interpreted as being in addition to the requirements results, the regulations of the Flood Hazard District shall supercede all other regulations.

Section 16-54. Definitions.

1. Flood - A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
2. Flood Hazard District or Area - All of the land within the jurisdiction which is subject to inundation by the flood having an average frequency of occurrence in the order of once in one hundred (100) years, although the flood may occur in any year. The "Flood Hazard District" includes both the floodway and the flood fringe.
3. Flood Fringe - That portion of the Flood Hazard District located outside.
4. Flood Way - The stream channel and adjacent area which provides for the downstream movement of the one hundred (100) year maximum flood at a rate of one tenth (1/10) foot per second or greater.
5. 100-Year Flood or Rain - A flood or rainfall having an average statistical frequency of occurrence in the order of once in one hundred (100) years, although the flood or rainfall may actually occur in any year.
6. Flood Fringe Displacement-Alternative Improvements - The channel improvements in the floodway which are required to prevent increased flooding resulting from the reduced floodwater storage capacity in the flood fringe area due to filling or other flood proofing or development of the flood fringe area.

Section 16-55 Uses Permitted.

1. **FLOODWAY AREAS:** Property located in all floodways shall be used only for the following purposes; provided, however, that no building or permanent structure is involved, and the use in no way obstructs or otherwise adversely affects the capacity of the floodway:
 - a. Agricultural uses including the growing of crops and the use of land for pasture and grazing where farm animals are otherwise permitted by the district provisions of the zoning ordinance or by the general ordinances of the town.

- b. Private and public recreational uses not otherwise prohibited, such as natural scenic area, golf courses, swimming and picnic areas, game farms, hiking and horseback riding trails and similar uses.
 - c. Lawns, gardens and recreation areas which are accessory to residential uses.
2. FLOOD FRINGE AREAS: Property and buildings in flood fringe areas shall be used only for the following purposes; provided, however, that no building or structure or use of land is involved that causes displacement of floodwater or otherwise increases flooding in the floodway, unless the capacity of the floodway is increased to compensate for the reduced capacity of the flood fringe.
- a. Any use permitted in the floodway that is not otherwise prohibited by other district provisions of the zoning ordinance or other municipal regulations.
 - b. Storage of materials or equipment not adversely affected by flooding.
 - c. Fill, storm water detention and retardation structures retardation structures, and other flood proofing measures.
 - d. All other uses permitted in the district with which the Flood Hazard District has been combined when flood proofing and alternative improvements for flood fringe displacement of floodwater have been provided.

Section 16-56. Flood Proofing And Flood Fringe Displacement Alternative Improvements.

All uses permitted under Section 16-50 above shall comply with the following requirements:

- 1. FLOOD PROOFING: All residential, commercial, industrial and other uses designed for human occupancy shall have the lowest floor elevation, including basement, not less than one (1) foot above the highest elevation of the one hundred (100) year frequency flood. The following additional flood proofing measures may be required to provide flood protection for any permitted use including, but not necessarily limited to the following:
 - a. Installation of storm water detention and retardation structures.
 - b. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
 - c. Reinforcement of walls to resist water pressures.
 - d. Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - e. Addition of mass or weight to structures to resist floatation, or other anchorage.
 - f. Installation of pumps to lower water levels in structures.
 - g. Construction of water supply and waste-treatment systems so as to prevent the entrance of flood pressures.
 - h. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
 - i. Construction to resist rupture or collapse caused by water pressure or floating debris.
 - j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
 - k. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding to provide protection from inundation by the one hundred (100) year maximum flood.
 - l. Location of any structural storage facilities for chemicals, explosives, buoyant materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the

height associated with the regulatory protection elevation or are adequately flood proofed to prevent flotation of storage containers which could result in the escape of toxic materials into flood waters.

2. **FLOOD FRINGE DISPLACEMENT – ALTERNATIVE IMPROVEMENTS:** Before any buildings, improvements of flood proofing is permitted in the flood fringe, the amount of flood water displaced by the proposed change shall be ascertained by an engineer, registered in the State of Oklahoma, in consultation with the city engineer, and alternative improvements shall be made in the floodway to accommodate the flood storage to be eliminated in the flood fringe for a one hundred (100) year frequency flood. The cost of the alternative improvements shall be the responsibility of the individual or entity responsible for the flood fringe displacement.

Section 16-57. Administrative Requirements.

In order to carry out the intent of the requirements set forth in the Flood Hazard District, in addition to other administrative provisions required by this ordinance the following additional provisions shall apply:

1. **BUILDING OR OCCUPANCY PERMIT REQUIRED:** No use or improvement of any floodway or flood fringe area of any form shall be permitted without first obtaining a building and/or occupancy permit from the Building Inspector.
2. **ADDITIONAL INFORMATION REQUIRED:** The Building Inspector may require the applicant to furnish any or all of the following information in determining the suitability of a particular site for a proposed use:
 - a. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the channel, floodway, and the flood protection elevation.
 - b. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.
 - c. Plans (surface view) showing elevation or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
 - d. A profile showing the slope of the bottom of the channel or flow line of the stream.
 - e. Specification for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

PUD – Planned Unit Development District.

Section 16-58. Purposes.

The purposes of Planned Unit Development are:

1. To permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient use of open area, while maintaining density and area coverage permitted in the general zoning district or districts in which the project is located.
2. To permit flexibility in design, placement of buildings, and use of open spaces, circulation facilities, and off-street parking areas and to best utilize the potential of sites characterized by special features of geography, topography, size or shape.

Section 16-59. General Provisions.

Planned Unit Development is permitted on tracts of not less than ten (10) acres in size.

In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically

modified pursuant to the provisions of this Article. No modification of use or bulk and area requirements of the applicable general use district or districts shall be permitted unless a subdivision plat incorporating the provisions and requirements of this Article is submitted to and approved by the Planning Commission and Town Board of Trustees and filed on record in the office of the County Clerk.

Section 16-60 Uses Permitted In Planned Unit Development.

1. **PRINCIPAL USES:**

A Planned Unit Development shall primarily be residential when located within an R-1 District. The development may consist of one (1) or more of the following dwelling types: Single-family detached dwelling, duplex dwelling, multi-family dwelling, townhouse and similar uses. The uses, other than dwellings, which are permitted by right or exception in the R-Districts may be included within a PUD, if such non-residential uses do not occupy more than ten percent (10%) of the gross area of the PUD which are in the R-1 zone, and are designed and located to be compatible with the residential uses of the PUD and with the residential use of adjacent properties. Land set aside for public facilities such as schools, libraries, firehouses, etc., shall be excluded for the purposes of calculating the gross area of the PUD. The uses permitted in areas zoned as commercial or industrial districts shall be limited to those uses permitted in the district to which the property is zoned.

2. **ACCESSORY USES:**

Accessory uses customarily incident to the residential uses included within the PUD are permitted. Accessory signs shall comply with the provisions of the Residential Districts except as hereafter provided for accessory commercial facilities may be included within the PUD in accordance with the following standards:

- a. The commercial uses shall be limited to convenience goods and services and eating places other than drive-ins.
- b. The aggregate floor area of the commercial facilities shall not exceed fifty (50) square feet per dwelling unit nor a total of thirty thousand (30,000) square feet.
- c. Each commercial establishment shall be limited to a maximum of three thousand five hundred (3,500) square feet of floor area.
- d. Commercial signs shall be limited to one nameplate of not more than sixteen (16) square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, or have other than indirect illumination. Window signs shall not be permitted.
- e. The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD, and shall be designed and located in such manner as to be compatible with the residential use of the PUD and of adjacent properties.

Section 16-61. Bulk And Area Requirements.

1. **LOT WIDTH AND LOT AREA MINIMUMS**

Within a PUD, a minimum lot size requirement of one thousand (1,000) square feet shall apply to lots utilized for dwelling purposes. A minimum lot width requirement of forty (40) feet shall apply to lots utilized for dwelling purposes.

2. **NUMBER OF PERMITTED DWELLING UNITS**

It is the intent of this ordinance that the aggregate density and intensity of use within the PUD remain the same as that which would be permitted if the area were developed conventionally, but that within the PUD the permitted number of dwelling units may be reallocated irrespective of use district lines or lot lines. The maximum number of permitted dwelling units within a PUD shall be computed as follows:

$$\text{Permitted D.U.'s} = \frac{\text{Residential Area of the PUD}}{\text{Divided by}}$$

Minimum land area per D.U. permitted in
the applicable use district

The residential area for the purposes of the above described computation shall be the gross area of the PUD less the lot area or areas designated for and use other than dwellings, quasi-dwellings, residential open space and recreation areas. Each six hundred (600) square feet of a quasi-dwelling, such as a care home, shall constitute a dwelling unit. If the PUD is within two (2) or more use districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the residential area within each district.

3. LIVABILITY SPACE

Livability space may be provided on a lot containing the dwelling unit or units on which computed, or in common areas. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Section 16-59, (E).

4. BUILDING HEIGHT

Within a PUD, the maximum building height shall be established in the outline Section 16-62, Perimeter Requirements.

Section 16-62. Perimeter Requirements.

The building setback from the exterior boundaries of the PUD shall not be less than the minimum yards customarily required for the district or districts in which located, provided that within two hundred (200) feet of any abutting property in an R-1 classification, structures containing more than two (2) dwelling units and exceeding fifteen (15) feet in height measured from the ground floor to the top of the top plate shall be setback twenty-five (25) feet plus two (2) feet of setback for each one (1) foot of building height exceeding fifteen (15) feet measured from the ground floor level to the top of the top plate. Unenclosed off-street parking area, containing six (6) or more spaces, shall be screened from adjoining R-1 Districts by the erection of a screening wall or fence along the lot line or lines in common with the R-1 District, provided that if the parking area is located more than fifty (50) feet from the R-1 District, the screening requirement shall not apply.

Section 16-63. Off-Street Parking And Loading.

Off-street parking and loading spaces shall be provided as specified in the applicable use units and in conformance with the requirement of Article 7, Section 16-69, Off-Street Parking and Loading. Required spaces may be provided on the lot containing the dwelling units for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common parking space as well insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Section 16-59.

Section 16-64. Administration Of Planned Unit Development.

1. General – Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of not less than ten (10) acres in size may make application for the approval of a PUD by filing an application for an outline development plan and a supplemental zoning district designation PUD. An application for the approval of an outline development plan and the supplemental district designation PUD, may be processed simultaneously with and contingent upon an application for an amendment to the zoning map.
2. Application and outline Development Plans – An application for a planned development shall be filed with the Planning Commission. The application shall be accompanied by the payment of a required fee. Such fee shall not include advertising and sign costs which shall be billed to the applicant. The application shall be in such form and content as the Planning Commission may be resolution establish, provided that four (4) copies of an outline development plan shall accompany the filing of the application. The outline development plan shall consist of maps and/or text which contain:
 - a. Existing topographic character of the land.
 - b. Proposed land uses, including public uses and open space and the approximate location of buildings and other structures.

- c. The character and approximate density of dwellings. Density shall be expressed in number of dwelling units and quantitative area of each identifiable segment of the PUD.
 - d. The approximate location of thoroughfares.
 - e. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
 - f. An explanation of the character of the planned development.
 - g. The expected schedule of development.
3. Public Hearing and Planning Commission Action – The Planning Commission, upon the filing of an application for the supplemental district designation, PUD shall set the matter for public hearing and give twenty (20) days' notice or as required by the Oklahoma State Statute, thereof by publication in a newspaper of general circulation. Where deemed necessary by the Planning Commission, additional notice shall be given by the posting of a sign or signs on the property as set forth in Article 9. Within sixty (60) days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:
- a. Whether the PUD is consistent with the Comprehensive Plan.
 - b. Whether the PUD harmonizes with the existing and expected development of surrounding areas.
 - c. Whether the PUD is a unified treatment of the development possibilities of the project site.
 - d. Whether the PUD is consistent with the stated purposes and standards of this chapter.

When a supplemental district designation PUD is approved, the Planning Commission shall forward its recommendation, the application and the Outline Development Plan to the Town Board for further hearing as provided in Section 16-59.

4. Town Board Action – Upon receipt of the application, outline development plan, and Planning Commission recommendation, the Town Board shall hold a hearing, review the outline development plan, approve, disapprove, modify, or return the outline development plan to the Planning Commission for further consideration. Upon approval, the Zoning Map shall be amended to reflect the supplemental designation PUD, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the outline development plan.
5. Planned Unit Development Subdivision Plat – A planned Unit Development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and in addition to the requirements of the Subdivision Regulations, shall include:
- a. Details as to the location of uses and street arrangement.
 - b. Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the Town Board.
 - c. Such covenants as will reasonably insure the continued compliance with the approved outline development plan. In order that the public interest may be protected, the Town of Burns Flat shall be made beneficiary of the covenants pertaining to such matters as location of uses, height of structures, set-backs, screening, and access. Such covenants shall provide that the Town of Burns Flat may enforce compliance therewith.
6. Issuance of Building Permits – No building permits shall be issued on lands within the PUD except in accordance with the approved subdivision plat filed on record with the County Clerk. A building permit for a free-standing or separate commercial structure shall not be issued until building permits have been issued for at least one half (½) of the number of dwelling units on which the authorization of the commercial use is based, provided, however, that in the case of a PUD providing for more than six hundred (600) dwelling units the town must permit a portion of the proposed commercial development to be constructed prior to the construction of one half (½) of the dwelling units where such improvements bear a reasonable relationship between the number of living units and the staging of commercial development and said relationship is so stated and contained in the approved outline development plan.

7. Amendments – Minor changes in the platted PUD may be authorized by the Planning Commission upon a review of a proposed amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the outlined development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require formal abandonment and the subsequent filing of a new application for Planned Unit Development.
8. Abandonment of Approved Plat – All plats may be considered void if development is not begun within two (2) years from the official recording date of the said plat with the County Clerk.

Article 7. General Provisions Applying To All Or To Several Districts.

Section 16-65. Application Of Regulation To The Uses Or A More Restricted District.

1. Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district, unless otherwise specified.
2. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for non-residential purposes.

Section 16-66. Open Space.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulation set forth in Article 6, Section 16-25 through Section 16-59 herein:

1. An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure.
2. Open eaves, cornices, windowsills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yards a distance not to exceed five (5) feet. Fences, walls or hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the front building line shall exceed four (4) feet in height, and no other wall or fence shall exceed seven (7) feet in height.
3. Where the dedicated street right-of-way is less than fifty (50) feet, the front yard depth shall be determined by measuring fifty (50) feet back from the center line of the street easement.
4. No dwelling shall be erected on a lot which does not abut on at least one (1) street at least fifty (50) feet in width, for at least thirty-five (35) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of this article. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than thirty percent (30%) of the rear yard.
5. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of this article that lots of sufficient size be used by any business or industry to provide adequate parking and loading space required of operation of the enterprise.
6. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two feet six inches (2'6") and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.
7. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line.

8. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.
9. Whenever one (1) or more residential, institutional, commercial or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the planning commission.

Section 16-67. Height.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth herein:

1. In measuring heights, a habitable basement or attic shall be counted as a story. A story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two thirds ($\frac{2}{3}$) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be conducted as a half story.
2. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.
3. Churches, schools, hospitals, sanitariums, and other public and semi-public buildings may exceed the height limitation of the district of the minimum depth of rear yards and the minimum width of the side yards by which the height of such public or semi-public structure exceeds the prescribed height limit.

Section 16-68. Group Housing Projects.

In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this article to the individual buildings in such housing project, the application of such requirements to such housing project may be changed by the Planning Commission, in a manner that will be in harmony with character of the neighborhood, will insure a density of land use on higher and standard of open space at least as high as required by this article in the district in which the proposed project is to be located. In no case shall a use or building height or density or population be permitted which is less than the requirement of the district in which the housing project is to be located. (See PUD, Section 16-58 – Section 16-64.)

Section 16-69. Storage And Parking Of Trailers And Commercial Vehicles.

Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot occupied by a dwelling or on any lot in the Residential District except in accordance with the following provisions:

1. No more than one commercial vehicle, which does not exceed one and one half ($1\frac{1}{2}$) tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
2. Not more than one (1) camping or travel trailer or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed twenty-four (24) feet in length, or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than forty-eight hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a trailer court authorized under the ordinances of the Town of Burns Flat.
3. A mobile home shall be parked or stored only in a trailer court which is in conformity with the ordinances of the Town of Burns Flat.

Section 16-70. Architectural Design Or Accessory Buildings And Fences.

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which said building or fence is accessory.

Section 16-71. Animals.

Animals in any district shall be kept only in accordance with the ordinances of the Town of Burns Flat.

Section 16-72. Storage Of Liquefied Petroleum Gases.

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the Town of Burns Flat and the regulations of the Liquefied Petroleum Gas Administration of the State of Oklahoma.

Section 16-73. Trailer Park Regulations.

Travel trailer parks and mobile home parks shall be constructed in accordance with the requirements of Article 2, Chapter 12, of the Code of Ordinances of the Town of Burns Flat.

Section 16-74. Off-Street Automobile and Vehicle Parking And Loading: General Intent And Application.

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the Town of Burns Flat. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

Section 16-75. Required Open Space.

1. Off-street parking or loading space shall be part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.
2. The area required for off-street parking shall be in addition to the yard areas herein required; and further provided that the front yard required in a Residential District may be used for the uncovered parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a sealed surface pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered parking area for more than six (6) vehicles in accordance with the provisions of Section 16-69 through Section 16-81.

Section 16-76. Location.

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

Section 16-77. Joint Parking Facilities.

Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

Section 16-78. Size Of Off-Street Parking Space.

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) by twenty (20) feet plus adequate area for ingress and egress.

Section 16-79. Amount Of Off-Street Parking And Loading Required.

1. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:
 - a. Dwelling, single-family or duplex: One (1) parking space for each separate dwelling unit within the structure.
 - b. Dwelling, multiple-family: The number of spaces provided shall not be less than two (2) times the number of units in the dwelling.
 - c. Boarding or rooming house or hotel: One (1) parking space for each two (2) guests provided overnight accommodations.
 - d. Hospitals: One (1) space for each four (4) patients beds, exclusive of bassinets, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
 - e. Medical or dental clinics or offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees.
 - f. Sanitariums, convalescent or nursing homes: One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.
 - g. Community center, theater, auditorium, church sanctuary: One (1) parking space for each four (4) seats, based on maximum seating capacity.
 - h. Convention hall, lodge, club, library, museum, place of amusement or recreation: One (1) parking space for each fifty (5) square feet of floor area used for assembly or recreation in the building.
 - i. Office building: One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.
 - j. Commercial establishments not otherwise classified: One (1) parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all area used by the public.
 - k. Industrial establishments: Adequate area to park all employees and customer vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
2. For all uses not covered in a through k above, the planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

Section 16-80. Paved Surface Required.

All parking spaces shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from the continued use.

Section 16-81. Off-Street Parking Lots In Residential Districts.

Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to the residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the Residential District shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge and has a height of not less than five (5) nor more than six (6) feet. Such fence, wall, or hedge shall be maintained in good condition.
2. No parking shall be permitted within a front yard setback line established fifteen (15) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required.
3. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round.

4. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
5. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
6. Whenever lighting is provided the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.
7. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non-intermittent white lighting of signs shall be permitted.

Article 8. Nonconforming Buildings, Structures And Uses Of Land.

Section 16-82. Non-Conforming Buildings And Structures.

A non-conforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained and repaired, except as otherwise provided in this section.

Section 16-83. Alteration or Enlargement of Buildings and Structures.

A non-conforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provide that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which said building or structure is located. No non-conforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

Section 16-84. Outdoor Advertising Signs And Structures.

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this Ordinance became effective, which does not conform with the provisions hereof, shall not be structurally altered and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary, and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of this Ordinance.

Section 16-85. Building Vacancy.

A building or structure or portion thereof, which is non-conforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

Section 16-86. Change in Use.

A non-conforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a non-conforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant non-conforming building or structure may be occupied by a use for which the building of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a non-conforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of this Ordinance, or at any time thereafter, shall not be changed to a wholesale or retail liquor store unless such change in use conforms to the provisions of the district in which it is located.

Section 16-87. Nonconforming Uses Of Land.

A non-conforming use of land, where the aggregate value of all permanent buildings or structures is less than one thousand dollars (\$1,000.00), existing at the time of adoption of this Ordinance, may be continued for a period of not more than three (3) years there from, provided that:

1. Said non-conforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance.
2. If said non-conforming use or any portion thereof is discontinued for a period of three (3) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.

Article 9. Administration.

Section 16-88. Building Permit Or Certificate Of Occupancy Required.

This Ordinance shall be enforced by a Building Inspector, acting at the direction of the Town Administrator. It shall be a violation of this Ordinance for any person to change or permit the change in the use of land or buildings or structure or to erect, alter, move or improve any building or structure until a building permit has been obtained under the following conditions:

1. A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved, together with a statement of the materials to be used, and the size arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
3. Additional information relating to the proposed improvement needed to determine compliance with these regulations.
4. A survey prepared by an engineer registered in the State of Oklahoma of the boundaries of the lot on which the improvements is proposed to be located.

Section 16-89. Certificate Of Occupancy.

No change shall be made in the use of any land or building or structure after the passage of this Ordinance until a Certificate of Occupancy is obtained from the Town Clerk-Treasurer, that all of the provisions of this Ordinance are complied with. Whenever a Building Permit is issued for the erection of a new building or structure, an Occupancy permit shall not be required, except where the use of the building or structure is changed from that for which the Permit is issued or where the intended use is not clearly stated on the Building Permit.

Section 16-90. Procedure For Authorizing Conditional Uses Permitted On Review.

The uses listed under the various districts herein as “Uses Permitted on Review” are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the uses permitted on review with the other viewed and authorized or rejected under the following procedures:

1. An application together with a file fee of no less than fifty dollars (\$50.00) shall be filed with the Planning Commission for review. Said application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred (300) feet, and any other material pertinent to the request which the Planning Commission may require.
2. The Planning Commission shall hold one or more public hearings thereon.

3. The Planning Commission shall within forty-five (45) days of the date of application, transmit to the Town Board its report as to the effect of such proposed building or use upon character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and the recommendation of the Planning Commission concerning use thereon. Thereupon the Town Board may authorize or deny the issuance of a Building Permit for the use of land or buildings as requested.

Section 16-91. Amendments.

The Town Board may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper of general circulation in the Town of Burns Flat.

Section 16-92. Passage By The Town Board.

Every such proposed amendment shall be referred by the Planning Commission for report. If a protest against such amendment be presented, duly signed and acknowledged by the owners of twenty percent (20%) or more of the land within such area proposed to be altered, or by the owner of twenty percent (20%) or more of the area of the lots immediately abutting either side of the territory included in such proposes change, or separated there from only by an alley or posed change, or street, such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of the Town Board of Trustees.

Whenever the owners of fifty-one percent (51%) of the land in any area shall present a petition duly signed and acknowledged to the Town Board requesting an amendment of the regulations prescribed for such area, it shall be the duty of the Town Board to vote upon such amendment within ninety (90) days of the filing of same by the petitioners with the Town Clerk-Treasurer.

For each petition for amendment to the Zoning Ordinance a fee plus the cost of legal publication shall be paid to the Town Clerk-Treasurer.

Section 16-93. Classification Of Annexed Areas.

All new additions and annexations of land to the Town of Burns Flat shall be in (A) Agricultural District, unless otherwise classified by the Town Board of Trustees for a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition.

Within this one (1) year period of time the Planning Commission shall study and make recommendations concerning the use of land within said annexation required to promote the general welfare and in accordance with the comprehensive plan, and upon receipt of such recommendations the Town Board shall, after public hearings as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as annexation and establishing the district classification at the time of said annexation.

Section 16-94. Vacation of Public Easements.

Whenever any street, alley or other public easement is vacated, the portion vacated shall have the same district classification as the land to which the vacated portion accrues.

Section 16-95. Invalidity of a Part.

In case any portion of this Ordinance shall be held to be invalid or unconstitutional, the remainder of the Ordinance shall not thereby be invalid, but shall remain in full force and effect.

Section 16-96. Official Zoning Map.

The Town is hereby divided into zones or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk-Treasurer, and bearing the seal of the Town under the following words: "We hereby certify that this map was adopted as a part of the Ordinance No. _____ Zoning Ordinance of the Town of Burns Flat, introduced on the _____ day of _____, 20 _____, and passed and adopted on the _____ day of _____, 20 _____.

If in accordance with the provisions of this Ordinance and Title 11, O.S. 1981, Section 43-101 to Section 43-109, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Town Board of Trustees, together with an entry on the Official Zoning Map as follows: "On (date), by official of the Town Board of Trustees the following (change) changes were made in the Official Zoning Map": (brief description of nature of change), "which entry shall be signed by the Mayor and attested by the Town Clerk-Treasurer". The amending Ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map, No. _____ amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or person shall be considered a violation of this Ordinance and is punishable under Chapter 1, Article 3, Section 1-20, of Burns Flat Code of Ordinance.

Regardless of the existence of the purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Town Clerk-Treasurer (or specify other place easily accessible to the public) shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the Town.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Board of Trustees may by resolution adopt a new Official Zoning Map which shall supercede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors of omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Clerk-Treasurer, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____ of the Town of Burns Flat, Oklahoma."

Section 16-97 through 16-100. (Reserved for future use.)

Article 10. Subdivision Regulations General Provisions.

Section 16-101. Purpose.

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine, to a large degree, the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities and other needs, and to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources.

These regulations are designed, intended and should be administered in a manner to:

1. Implement the General Plan.
2. Provide neighborhood conservation and prevent the development of slums and blight.
3. Harmoniously relate the development of the various tracts of land to the existing community and facilities the future development of adjoining tracts.

4. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the whole community be borne by the whole community.
5. Provide the best possible design for the tract.
6. Reconcile any differences of interest.
7. Establish adequate and accurate records of land subdivision.

Section 16-102. Authority.

These subdivision regulations and minimum standards of land development are pursuant to the authority granted in Title II, Section 45-101 to 45-105, Oklahoma Statutes, 1981, as amended.

Section 16-103. Jurisdiction: Area of Application.

These regulations shall apply to the incorporated area of the Town of Burns Flat, in so far as they have been adopted by the Planning Commission and approved by the Town Board of Trustees.

Section 16-104. Application To Types of Subdividing.

These regulations and development standards shall apply to the following forms of land subdivision:

1. The division of land into two (2) or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than ten (10) acres in area; or
2. The division of land, previously subdivided or platted, into tracts, lots, sites or parcels of less than ten (10) acres in area; or
3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or
4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

Section 16-105. Definitions.

For the purpose of these regulations, certain terms used herein are defined as follows:

1. ALLEY – a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
2. BLOCK – a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, rail-road right-of-way, public walks, parks or greenstrips, rural land or drainage channels, or a combination thereof.
3. BUILDING LINE or SETBACK LINE – a line or lines designating the area outside of which buildings may not be erected.
4. EASEMENT – a grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.
5. GENERAL PLAN – the comprehensive development plan for the Burns Flat area which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation and community facilities.
6. LOT – a subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.
7. LOT, CORNER – a lot located at the intersection of and abutting on two (2) or more streets.
8. LOT, DOUBLE FRONTAGE – a lot which runs through a block from street to street and which have two (2) non-intersecting sides abutting on two (2) or more streets.

9. LOT, REVERSE FRONTAGE – a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.
10. PLANNING COMMISSION – the Burns Flat planning commission.
11. PLAT, PRELIMINARY – a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.
12. PLAT, FINAL – a map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances; and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.
13. STREET – any public or private right-of-way which affords the primary means of access to abutting property.
14. STREET, MAJOR – an arterial street which is designated on the major street plan or expressway plan.
15. STREET, MINOR – a street whose primary purpose is to provide access to adjacent properties and which is designed so that its use by arterial traffic will be discouraged.
16. STREET, COLLECTOR – a minor street which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.
17. STREET, CUL-DE-SAC – a minor street having one (1) end open to vehicular traffic and having one closed end terminated by a turn around.
18. STREET, FRONTAGE OR SERVICE – a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.
19. SUBDIVIDER – any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.
20. SUBDIVISIONS – the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development or the dedication or vacation of a public or private right-of-way or easement.
21. TOWN – the Town of Burns Flat, Oklahoma.
22. TOWN BOARD – the Board of Trustees of the Town of Burns Flat.

Section 16-106. General Procedure: Plat Approval.

For all cases of subdividing within the scope of these regulations, a plat of the land in question shall be drawn and submitted to the planning commission for approval or disapproval. All subdivisions located within the corporate limits of the town shall then be submitted to the Town Board for acceptance of public streets, alleys, and areas dedicated to public use.

Section 16-107. Official Recording.

No plat or other land subdivision instrument shall be filed in the office of the County Clerk until it shall have been approved by the planning commission and by the Town Board as hereinafter set forth. All final plats shall be filed within two (2) years of date of approval by the planning commission, and no lots shall be sold from any plat until approved by the planning commission and the Town Board approval, whichever is the later, shall void all approval thereto.

Section 16-108. Agenda.

Each plat submitted for preliminary or final approval shall be placed on the agenda of the planning commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted

providing the subdivider presents with the plat a written request for specific exceptions and enumerates in detail the reasons therefore.

Section 16-109. Exemption.

Plats containing four (4) lots or fewer may be exempted from the provisions of all or part of procedural provisions contained in Section 6, of these regulations upon written approval of the planning commission; but such exemption shall not change or diminish the requirements relating to design or to improvements or to other provisions of these regulations.

Article 11. Design.

Section 16-110. Urban Design Principles.

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the general plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

1. It is intended that the urban area should be designed as a group of integrated residential neighborhoods and appropriate commercial and industrial and public facilities.
2. The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate light, air, open space, landscaping, off-street parking and loading facilities.
3. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.
4. Circulation within the urban area shall be provided in accordance with the following design criteria:
 - a. Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the major street plan. Arterial streets should be located on the perimeter of the residential neighborhood.
 - b. Minor streets should be designed to provide access to each parcel of land within the residential neighborhood and within industrial areas, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of minor streets to arterial routes.
 - c. Collector streets should be designed to provide a direct route from other minor streets to the major street system.
 - d. Ingress and egress to residential properties should be provided only on minor streets.
 - e. Pedestrian ways should be separated from roadways used by vehicular traffic. Sidewalks should be designed to provide all residential building sites with direct access to all neighborhood facilities, including the elementary school, parks, playground, churches and shopping centers.
5. Minimum standards for development are contained in the zoning regulations, the building code and these regulations. However, the general plan expresses policies which are intended to achieve optimum quality of urban development. If only the minimum standards are followed, as expressed by the various regulations affecting land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the general plan and in these regulations rather than be limited to the minimum standards required herein.

Section 16-111. Subdivision Design Standards.

1. Streets: The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the general plan and shall be designed in accordance with the following provisions:

- a. Major streets shall be planned to conform with the major street plan.
- b. Whenever a subdivision abuts or contains an existing or proposed major street, the planning commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic.
- c. Minor streets shall be laid out so that their use by arterial traffic will be discouraged.
- d. Where a subdivision borders on or contains a railroad right-of-way of limited access highway right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separation structures.
- e. Reserve strips controlling access to streets shall be prohibited except where their control is placed in the town under conditions approved by the planning commission.
- f. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion may be required by the planning commission.
- g. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate re-subdivision with provision for adequate utility easements.
- h. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
- i. Street right-of-way widths shall be in accordance with the major street plan and, where not designated therein, shall be not less than the following:

Major Streets

Primary with median	120 feet
Primary without median	100 feet
Secondary with or without median	80 feet

Minor Streets

Collector	60 feet
Minor	50 feet
Cul-de-sac	50 feet

- j. The grades of all streets shall not exceed the following, except where unusual topographic conditions justify in the opinion of the planning commission, a modification of these standards:

Major Streets

Primary	5 percent
Secondary	7 percent

Minor Streets

No streets shall be less than 0.3 percent

- k. The paved width of all streets shall be adequate to serve the existing and future terminated traffic load for the facility. Lane widths for all streets shall be as follows: (Figure A)
 - (1) All major streets shall have lanes for traffic movement of twelve (12) feet in width and lanes for parallel parking or emergency stopping of not less than ten (10) feet in width.
 - (2) All minor streets shall have lanes for traffic movement of twelve (12) feet in width and lanes for parallel parking of not less than six (6) feet in width.

- l. A cul-de-sac should not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn around. If a cul-de-sac is more than one hundred fifty (150) feet in length it shall be provided with a turn around having a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet at the curb line. There shall be provided in the center of the turn around an unpaved island, which has a radius of not less than twelve (12) feet or more than sixteen (16) feet. Any unpaved island shall be improved with grass and landscaping in such a manner that it will not interfere with sight distance.
- m. Half streets shall be prohibited except where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and provided that the planning commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- n. The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The planning commission may require the dedication of street right-of-way to facilitate the development of adjoining properties.
- o. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the planning commission.
- p. Streets serving commercial areas shall have right-of-way not less than sixty (60) feet with a paved width not less than forty (40) feet.
- q. Streets serving industrial areas shall have right-of-way not less than eighty (80) feet with a paved width not less than fifty (50) feet.

2. Alleys:

- a. Alleys shall be provided in commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
- b. Alleys serving commercial and industrial areas shall not be less than thirty (30) feet in width.
- c. Alleys shall be required for residential areas and they shall be not less than twenty (20) feet in width.
- d. Alley intersections and sharp changes in alignment should be avoided; but where necessary, they shall be provided with adequate turn around facilities at the dead-end, as determined by the planning commission.

3. Easements:

- a. Where alleys are not provided, easements not less than ten (10) feet wide shall be provided where possible along rear lot lines and along side lot lines where necessary, for use by public and private utilities. The planning commission may require aerial easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.
- b. Where a subdivision is traversed by a water course, drainage channel or stream, which drains one hundred sixty (160) acres or more of land, there shall be provided a right-of-way for drainage and public parks and utility purposes, adequate to contain all of the runoff from a fifty (50) year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation which shall be calculated to provide for, the drainage requirements of the ordinances and regulations relating thereto.

4. Public Areas and Open Spaces: Public parks, playgrounds, school sites, and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the Comprehensive Plan and in the ordinances and regulations relating thereto.

5. Blocks:

- a. The lengths, widths and shapes of blocks shall be determined with due regard for the following:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Zoning requirements as to lot sizes and dimensions.
 - (3) Needs for convenient access, circulation, control and safety of street traffic.
 - (4) Limitations and opportunities of topography.
- b. Blocks for residential use should not be longer than eighteen hundred (1,800) feet, measured along the center line of the block. When a block exceeds six hundred (600) feet in length, the planning commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.
- c. Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance of off-street parking and loading facilities.

6. Lots:

- a. Residential lots shall be not less than fifty (50) feet in width at the front building line and shall abut a street a distance of not less than thirty (30) feet; except that a corner lot shall be not less than sixty (60) feet in width at the front building line.
- b. Side lot lines should be approximately at right angles or radial to street lines.
- c. The depth of residential lots should not be less than ninety (90) feet.
- d. The area of residential lots shall be not less than five thousand (5,000) square feet.
- e. In residential subdivisions where septic tanks or individual sewage disposal devices are to be installed, the area of the lot shall be not less than twenty-two thousand, five hundred (22,500) square feet, or as required by the state health department where water wells are involved, and the width of the lot at the front building line shall be not less than one hundred (100) square feet.
- f. Lots are not required for subdivision for commercial and industrial use, but when provided they should be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use.
- g. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least twenty (20) feet in width shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

7. Building Lines: Building lines shall be provided for all residential subdivisions as follows:

- a. A front building line shall be located at least twenty-five (25) feet back of the street right-of-way line.
- b. A side yard building line on the side of a corner lot abutting the street shall be located not less than fifteen (15) feet back of the street right-of-way when such lot is back to back with another lot and not less than twenty (20) feet back of the street right-of-way line in every other case.
- c. A side yard building lines shall be provided not less than (10) feet back of a crosswalk right-of-way line on the side of a lot abutting a mid-block crosswalk.
- d. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

8. Neighborhood Unit Development: Whenever a subdivision is developed as a neighborhood unit, wherein adequate park or playground area is provided, through traffic is cared for adequately and the majority of the minor streets are of the cul-de-sac

or loop type, the planning commission may vary the requirements of this article in order to allow the subdivider more freedom in the arrangement of streets and lots, but at the same time protect the convenience, health, safety and welfare of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire community. However, in no case shall the lot area be less than six thousand (6,000) square feet for detached single-family dwelling.

Article 12. Improvements.

Section 16-112. General Provisions.

All improvements shall be designed and installed in accordance with all of the elements of the general plan and shall meet the minimum standards established by the ordinances and regulations relating thereto.

Section 16-113. Plan Preparation.

Plans for the improvements herein required shall be prepared by the town engineering department or by a qualified engineer, registered in the State of Oklahoma. Two (2) sets of prints of the proposed plans and specifications for all improvements shall be filed with the planning commission at the time of submission of the final plat. One (1) set of "as built" plans and specifications certified and signed by an engineer registered in the State of Oklahoma shall be filed with the Town Clerk-Treasurer prior to the acceptance by the Town Board of any improvements installed by the sub-divider.

Section 16-114. Surety Bond.

In lieu of completion of the improvements herein required, the Town Board may require the subdivider to file a surety bond to insure the actual construction of such improvements according to the plans and specifications filed with the planning commission within a period of time not to exceed two (2) years from the date of approval of the final plat. Such bond shall be in the amount of one hundred percent (100%) of the estimated cost of the improvement as determined by the planning commission and with surety and conditions satisfactory to the Town Board. In any case where the Town Board does not require a bond for the improvements required herein, no building shall be permitted on any lot or in any area in a subdivision where the proposed construction will produce runoff or require utility services that affect other areas or lots located within or outside of the estimated cost is posted for the portion of the drainage or utility improvements that will protect the affected area.

Section 16-115. Permanent Markers.

Each lot and block corner shall be marked with iron pipes or pins not less than one-half (1/2) inch in diameter and not less than eighteen (18) inches long set not less than one (1) inch below the finished grade. Each subdivision corner shall be marked with a permanent concrete marker capped with a non-corrosive metal plate set not less than one (1) inch below the finished grade.

Section 16-116. Street Improvements.

The subdivider of any subdivision to be used for residential, commercial, industrial or other purposes shall lay out, grade and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the town or the county except where the governing bodies have policies of additional assistance to the owners or developers and in accordance with the following provisions:

1. The new design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the Oklahoma State Highway Department, but in no case shall the standard be less than the applicable municipal specifications.
2. Whenever a subdivision contains a major street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the sub-divider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvement required to serve only the subdivision, as determined by the planning commission.
3. All driveways which connect with public street shall be constructed in accordance with "Standard Design of Driveway Entrances for Oklahoma Highways", revised edition, and subsequent amendments thereto, as prepared by the Oklahoma State Department of Transportation.

Section 16-117. Sidewalks.

A plan for a system of sidewalks and walkways shall be prepared that will provide adequate pedestrian walkways within a residential or commercial subdivision or portion thereof with consideration given to sidewalk connections with all of the community facilities and commercial enterprises located within or adjacent to the subdivision, and in a manner that will provide convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located. The planning commission may require the construction of sidewalks to connect with existing or future proposed sidewalks in areas adjacent to the subdivision where such sidewalks are needed for pedestrian circulation. Sidewalks and walkways where constructed in the subdivision shall be in accordance with the sidewalk system plan approved by the planning commission and in accordance with the specifications governing sidewalk and walkway construction.

Section 16-118. Water Lines.

The subdivider shall install water lines and fire hydrants in accordance with the policies and specifications governing water line construction except where the governing bodies have policies of additional assistance to owners or developers.

Section 16-119. Sanitary Sewers And Septic Tanks.

1. The subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible as determined by the planning commission. Sanitary sewers shall be installed in accordance with the specifications governing sanitary sewer construction.
2. When subdivisions contain five (5) acres or more, the planning commission may require the subdivider to install sanitary sewers and a disposal system that is adequate to serve all of the lots within the subdivision.
3. Whenever the installation of sanitary sewer is not required, septic tanks or other unit disposal systems may be used in accordance with the following provisions:
 - a. A lot for residential use on which a unit disposal system is located shall be not less than twenty-two thousand, five hundred (22,500) square feet in area, or as required by the state health department.
 - b. No portion of any unit disposal system shall be located closer than twenty (20) feet to the lot line of the lot on which the system is located.
 - c. All unit disposal systems shall comply with the requirements of the state and county health departments.
 - d. Septic tanks and laterals must be at least two hundred (200) feet from any municipally owned water well.

Section 16-120. Storm Sewers And Drainage.

Drainage shall be provided in accordance with the specifications contained in the ordinances and regulations relating thereto. (See Article 16, Sections 16-135 through Section 16-142 of these regulations.)

Section 16-121. Maintenance And Supervision.

Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency; provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the property and continuous operation, maintenance and supervision of such facilities.

Article 13. Plat Preparation And Approval Procedure.

Section 16-122. The Preliminary Plat.

1. General: The subdivider shall prepare a preliminary plat for submission to the planning commission along with a filing fee established by the Town Board. Four (4) copies of the preliminary plat shall be submitted to the office of the planning commission not less than seven (7) days prior to the meeting at which it is to be considered.
2. Certification of Design: The preliminary plat shall be accompanied by a statement signed by the registered engineer preparing the plat certifying that he has, to the best of his ability, designed the subdivision in accordance with the Comprehensive Plan, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where an exception is requested in writing and the reasons for which are clearly stated.
3. Contents of Preliminary Plat: The preliminary plat shall be drawn at a scale of one hundred feet to one inch and shall contain or be accompanied by the following information:
 - a. The proposed name of the subdivision.
 - b. The name and address of the owner of record, of the sub-divider and of the registered engineer, preparing the plat.
 - c. A key map showing the location of the proposed subdivision referenced to existing or proposed major streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part.
 - d. The scale, north point and date.
 - e. The names, with location of intersecting boundary lines, of adjoining subdivision, and the location of city limits, if falling within or immediately adjoining the tract.
 - f. The land contours with vertical intervals not greater than two (2) feet referenced to a United States geological survey or coast and geodetic survey benchmark or monument.
 - g. The location of existing buildings, water, water courses and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision; provided, however, that actual measured distances shall not be required.
 - h. The length of the boundaries of the tract, measured to the nearest foot, the proposed location and width of streets, alleys, easements and setback lines and the approximate lot dimensions.
 - i. The location, approximate size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipe lines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:
 - (1) Water mains.
 - (2) Sanitary sewer mains, sub-mains, and laterals.
 - (3) Storm sewers, culverts and drainage structures.
 - (4) Street improvements.
 - j. The location of all drainage channels subsurface drainage structures, the proposed methods of disposing of all runoff from the proposed subdivision and the location and size of all drainage easements relating thereto whether they are located within or outside of the proposed plat.
 - k. The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design. This shall be done by placing the appropriate term, expressway, primary thoroughfare, secondary thoroughfare, collector or minor street in parentheses, directly on each street.
4. Planning Commission: The planning commission shall approve, approve conditionally or disapprove the plat within sixty (60) days of the date of its submission by the applicant. If no action be taken by the planning commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved, unless stipulation for additional time is agreed to by subdivider. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in

writing, a copy of which shall be signed by the planning commission chairman and shall be attached to one (1) copy of the plat and transmitted to the subdivider. The reasons for disapproval or conditional approval shall refer specifically to those parts of the general plan or specific regulation with which the plat does not conform. On conditionally approving a plat, the planning commission may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and planning commission agree upon any revision, which shall be filed with the planning commission on a revised copy, the subdivider may proceed with the laying out of streets and roads, the preparation of utility plans and with the preparation of a final plat.

Section 16-123. The Final Plat.

1. Plat Preparation: A final plat neatly drawn in ink on tracing cloth or permanent plastic film and three (3) dark lines print thereof shall be submitted to the office of the planning commission not less than five (5) days before the planning commission meeting at which it is to be considered for final approval. At the same time there shall be submitted two (2) sets of the proposed plans and specifications for all improvements and the proposed reconstructions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.
2. Time of Submission: The final plat of the proposed subdivision shall be submitted to the planning commission and Town Board for final approval within one (1) year of the date on which the preliminary plat was approved. If not submitted for final approval within such time the preliminary plat shall be considered as having been disapproved unless the planning commission agrees to an extension of time. The final plat shall be filed in the office of the County Clerk within thirty (30) days after approval by the planning commission and the Town Board, or if not file within such time said approval shall be considered as having been voided.
3. Drafting: The final plat shall be drawn at a scale of at least one hundred (100) feet to the inch from an accurate survey and on sheets whose dimensions are twenty-one (21) inches by thirty-three (33) inches between border lines. On the first (1st) sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. A border on one-half (½) inch surrounding the sheet shall be left blank at the top, bottom and right side, and there shall be a margin of two (2) inches at the left side for binding purposes.
4. Contents of the Final Plat: The final plat shall show:
 - a. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.
 - b. The length of all required lines dimensioned in feet and decimals thereof and the value of all required true bearings and angles dimensioned in degrees and minutes as hereafter specified.
 - c. The boundary lines of the land being subdivided fully dimensioned by length and bearings, the location of boundary lines of adjoining lands and adjacent subdivisions identified by official names. Material which is not a part of the subdivision shall be shown in dashed or dotted lines.
 - d. The lines of all proposed streets fully dimensioned by lengths and bearings or angles.
 - e. The lines of all proposed alleys. Where the angle and/or directions of an alley is not readily discernible from data given for lot and block lines, the length and/or bearing shall be given.
 - f. The width, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements which shall be properly located.
 - g. The lines of all proposed lots fully dimensioned by length and bearings or angles; except where a lot line meets a street line at right angles, the angle or bearing value may be omitted.
 - h. The outline of any property which is offered for dedication to public use fully dimensioned by length and bearings, with the area marked "PUBLIC".

- i. The blocks numbered consecutively throughout the entire subdivision, the lots numbered consecutively throughout each block and with areas to be excluded from platting marked "RESERVED" or "NOT A PART".
- j. The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.
- k. The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns.
- l. The proper acknowledgements of owners and the consent of the mortgagee to plat restrictions.
- m. The following, which shall be made and shown on the cloth tracing:
 - (1) Owner's certificate and dedication, signed.
 - (2) Engineer's certificate of survey, signed and his seal.
 - (3) Certificate for release of mortgage for any portion dedicated to the public.
 - (4) Reference to any separate instruments, including restrictive covenants, filed in office of the county recorder of deeds which directly affect the land being subdivided.
 - (5) Certificate of planning commission approval.
 - (6) Certificate of Town Board acceptance of ways, easements and public land dedications.
 - (7) Treasurer's certificate.
- n. A title which shall include:
 - (1) Name of the subdivision.
 - (2) Name of town, county and state.
 - (3) Location and description of the subdivision referenced to section, range and township.

5. Planning Commission Action:

- a. The planning commission shall act upon the final plat within forty-five (45) days after it has been submitted for final approval. This approval and the day thereof shall be shown on the plat over the signature of the planning commission chairman or secretary member. Unless stipulation for additional time is agreed to by the sub-divider and if no action is taken by the planning commission at the end of forty-five (45) days after submission, the plat shall be deemed to have been approved.
- b. If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not comply.

6. Town Board Action:

Before recording the final plat, it shall be submitted to the Town Board for approval and for acceptance of public streets, alleys and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the mayor and properly attested. The disapproval of any plat or plan by the Town Board shall be deemed a refusal of the proposed dedications shown thereon.

7. Recording of Plat:

After final approval of the plat and the affixing of all required signatures on the original tracing, the sub-divider shall provide the planning commission with two (2) dark line prints thereof and one contact reproducible cloth tracing. The applicant shall file the original tracing, one (1) dark line on cloth and one contact reproducible tracing on cloth or film with the County Clerk.

8. Abandonment of Approved Plat:

All plats may be considered as void if development is not begun within two (2) years from the official recording date of the said plat with the County Clerk.

Article 14. Administration And Amendment.

Section 16-124. Variations And Exceptions.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the planning commission may vary or modify, except as otherwise indicated, requirements of design, but not of procedure or improvements, so that the sub-divider may develop his property in a reasonable manner, but so, at the same time, the public welfare is protected and the general intent and spirit of these regulations preserved. Such modification may be granted upon written request of the sub-divider stating the reason(s) for each modification and may be waived by an affirmative vote of three-fourth (¾) of the membership of the planning commission.

Section 16-125. Validity.

If any section, clause, paragraph, provision or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of these regulations.

Section 16-126. Repeal.

All ordinances or regulations or parts thereof which are in conflict with these regulations are hereby repealed.

Section 16-127. Violation And Penalty.

1. No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any tract of land which does not comply with all of the provisions of these regulations.
2. Whoever, being the owner or agent of the owner, of any land within the area, transfers, or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision or a contract for deed or other instrument before such plat or deed or instrument has been approved by the planning commission and the Town Board, or whoever, being the owner or agent of the owner of any parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of less than ten (10) acres where such tract was not shown of record in the office of the County Clerk as separately owned at the effective date of the regulations here provided and not located within a subdivision approved according to law and filed of record in the office of the County Clerk, or is so located, not comprising at least one (1) entire lot as recorded, without first obtaining the written approval of the Town Board by its endorsement on the instrument of transfer, or contract of sale or other agreement to transfer, shall be subject to the penalties provided below; and such transaction shall be unlawful and shall not be recorded by the County Clerk.
3. A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these regulations shall be fined for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

Section 16-128. Forms For Subdivision Compliance.

The following tables list the suggested form for compliance with subdivision regulations:

Table I. Subdivision Bond.

KNOW ALL MEN BY THESE PRESENT:

That we, _____, as PRINCIPAL and the undersigned Surety, are held and firmly bound unto the Town of Burns Flat, Oklahoma, hereinafter called TOWN, in the full sum of _____ DOLLARS (\$_____), for the payment of which, well and truly made, we, and each of us, bind ourselves jointly and severally, by these present.

Dated this _____ day of _____ A.D., 20____.

The conditions of this obligation are such that:

WHEREAS, PRINCIPAL has submitted to the town a preliminary plat for subdivision or a tract of land described as follows:

AND, WHEREAS, PRINCIPAL has, pursuant to the regulations or ordinances of the Town of Burns Flat, elected to file this bond in lieu of actual completion of improvements and utilities in the above subdivision.

NOW THEREFORE, if the PRINCIPAL shall within two (2) years form date of approval of the final plat of the subdivision, faithfully install and complete improvements and utilities in the subdivision according to the regulations of ordinances, approved plans, specifications and subdivision rules and regulations of the TOWN an pall all bills for contractors, subcontractors, labor and materials incurred in completion thereof; and shall hold harmless and indemnify the TOWN and all interested property owners against liability, loss or damage by reason of failure of the PRINCIPAL to faithfully perform the conditions hereof, then this obligation shall be null and void, otherwise to remain in full force and effect; PROVIDED, however, that actions upon this bond by contractors, subcontractors, laborers or material men shall be limited to six (6) months from and after completion of the improvements and utilities above referred to.

Signed, sealed and delivered the day and year first above written,

Principal

ATTEST:

BY:

Secretary

ATTEST:

BY:

Secretary

Approved as to form and legality this _____ day of _____, A.D., 20____.

Town Attorney

Approved by the Town Board of Trustees this _____ day of _____, A.D., 20____.

ATTEST:

Town Clerk-Treasurer

Mayor

Table II. Owner's Certificate and Dedication.

We, _____, the undersigned, do hereby certify that we are the owners of and the only persons having any right, title, or interest in the land shown on the annexed map of _____ and that the plat represents a correct survey of the above described property made with our consent, and that we hereby dedicate to the public use all the streets as shown on said annexed map; that the easements as shown on the annexed map are created for the installation and maintenance of public utilities; that we hereby guarantee a clear title to all lands so dedicated from ourselves, our heirs or assigns forever and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

RESTRICTIONS: (if any follow here)

Witness _____ hand _____ this _____ day of _____, 20 ____.

(ACKNOWLEDGEMENT)

Table III. Surveyor's Certificate.

I, _____, the undersigned, do hereby certify that I am by profession a land surveyor of civil engineer and that the annexed map of _____ consisting of _____ sheets, correctly represents a survey made under my supervision of the _____ day of _____, 20 ____, and that all of the monuments shown hereon actually exist and their positions are correctly shown.

Signature

Name: _____

Address: _____

License #: _____

(ACKNOWLEDGEMENT)

Table IV. Planning Commission Approval.

I, _____, Chairman/Secretary of the Planning Commission of Burns Flat, State of Oklahoma, hereby certify that the said Commission duly approved the annexed map of _____ on the _____ day of _____, 20 ____.

Chairman

ATTEST:

Secretary

Table V. Acceptance of Dedication By Town Board.

BE IT RESOVED by the Town Board of Trustees of the Town of Burns Flat that the dedications shown on the attached plat of _____ are hereby accepted.

Adopted by the Town Board _____ this _____ day of _____, 20 ____.

Mayor

ATTEST:

Town Clerk-Treasurer

Table VI. Certificate of Percolation Test.

(Applicable where septic tanks are to be used)

I, _____, registered engineer in the State of Oklahoma, certify that a soil survey has been completed by _____ (name of testing laboratory) on _____ (date) and that this test shows that soil to be sufficiently porous to permit septic tanks for each lot shown on the plat.

Signature

Name and Title

Table VII. Release of Mortgage.

In consideration of the platting of the property shown on the annexed map of _____ Addition, and other good and valuable considerations, receipt of which is hereby acknowledged, _____ do hereby release, relinquish and forever discharge a certain mortgage made by _____ and dated the ____ day of _____, 20 ____, to _____ which is recorded in the Book _____ of Mortgages at Page _____ of the records of _____ County, State of Oklahoma, insofar as the same covers all property dedicated for streets, alleys, parks, boulevards, easements of public use, as shown on said map.

Witness _____ hand _____ this ____ day of _____, 20 ____.

Signature

Name and Title

(ACKNOWLEDGEMENT)

Table VIII. County Treasurer's Certificate.

I, _____, do hereby certify that I am the duly elected, qualified and acting county treasurer of _____ County, State of Oklahoma. That the tax records of said county show all taxes are paid for the year _____ and prior years on the land shown on the annexed plat of _____ Addition in _____ County, Oklahoma; that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment of the current year's taxes.

In witness whereof, said county treasurer has caused the instrument to be executed at _____, Oklahoma on this ____ day _____, 20 ____.

County Treasurer

Article 15. Soil Erosion Control

Section 16-129. Owners And Developers Obligation.

It shall be the duty and obligation of all owners or developers of additions or tracts of land within the town limits of the Town of Burns Flat, Oklahoma, to take reasonable and necessary action to prevent the unreasonable erosion within said additions or tracts.

Section 16-130. Washing And Sifting Of Soil Onto Streets And Alleys.

Extraordinary washing and sifting of soil onto the streets or alleys, or adjacent properties shall be deemed to be unreasonable erosion as defined herein.

Section 16-131. Public Works Administration Empowered To Inspect.

The Building Officials of the Town of Burns Flat, shall be empowered to make inspections of such situations and conditions, and direct the owner or developer as to necessary correction action, and that such order of the Building Official shall be subject to review by the board of commissioners of the town upon five (5) days notice and demand by such owner or developer.

Section 16-132. Proof of Compliance.

Before such tract or addition shall be accepted by the Town of Burns Flat as a dedicate plat, and before a building permit is issued for any part thereof, the owner or developer shall furnish to the Building Official proof of compliance with the article or proof of adequate planning for such compliance.

Section 16-133. Penalty.

Each violation of this article shall constitute a separate offense, and shall be punishable as provided in this code.

Section 16-134. Provisions Severable.

Should any part of this article be held by any court of competent jurisdiction to be invalid, or be held to be invalid with reference to any part, parcel or portion of the land described herein, such holding shall not affect the validity of this article with reference to the remainder of said article or of said land.

Article 16. General Policies and Design Standards for Storm Drainage and Flood Hazard Areas.

Section 16-135. Findings Of Fact.

The periodic flooding of areas within the Town of Burns Flat results to hazards to life and property, in the disruption of commerce and governmental services, extraordinary expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Flood and associated losses and caused by the location in flood hazard areas of buildings, structures and uses of land which are inadequately protected from flooding and erosion, and which contribute to flooding by impeding the flow of drainage and by increasing flood heights through displacement of storm water in floodway and flood-fringe area.

Section 16-136. Purpose And Scope.

These regulations and standards are to protect the various portions of the urban area from flooding, to provide clean and sanitary channels for run-off, to prevent pollution of watersheds, streams and natural drainage channels, to prevent the encroachment of buildings and improvements on natural drainage channels, to equitably apportion the cost of improvements, to protect natural scenic areas, and to provide for the conservation of the natural resources of the area.

Section 16-137. Application.

All subdivisions of land shall comply with the design and improvement requirements herein established for the protection of flood hazard areas and the prevention of erosion.

Section 16-138. Classification of Drainage Channels and Designation of Responsibility.

1. For the purposes of these regulations drainage shall be classified as follows:
 - a. Surface drainage is runoff of such a limited quantity and/or slow rate that it does not cause erosion of defined channel.
 - b. A minor tributary is any drainage channel having a drainage basin of six hundred forty (640) acres (one square mile) or less in area.

- c. A major tributary is any channel having a drainage basin of not less than one (1) square mile or greater than twenty-five (25) square miles.
- d. A river is any channel having a drainage basin of greater than twenty-five (25) square miles.
- 2. It is intended that responsibility for drainage be allocated as follows, unless otherwise specifically designated:
 - a. The developer of a subdivision is responsible for the following:
 - (1) All surface drainage on the subdivision.
 - (2) All increase in surface drainage outside the subdivision which results from the development of the subdivision.
 - (3) The improvement of all minor tributaries lying within the subdivision.
 - (4) Any significant increase in rate or quantity of runoff in any minor or major tributary or river which results from the development of the subdivision.
 - (5) Provision for the maintenance of all floodway and flood-fringe areas of major tributaries and rivers which have not been dedicated to the public.
 - b. The city and other levels of government will be responsible for the follow:
 - (1) The improvement of floodways of major tributaries.
 - (2) The improvement of river floodways.
 - (3) The maintenance of floodway and flood-fringe areas dedicated to the public.

Section 16-139. Methods For Determining Flood Hazard Areas and Flow and Runoff.

1. Flood Hazard Areas

The designation of flood hazard areas is set forth on the FLOOD HAZARD MAP. The boundaries of all floodway and flood-fringe areas shall be designated on the preliminary and the final plat and shall be clearly marked.

2. Alternative Methods for Determining Stream Flow and Runoff Characteristics

For all areas not otherwise designated in a floodway or a flood-fringe area, the developer shall be responsible for having an engineer, registered in Oklahoma, prepare a drainage assessment of all of the area of the proposed subdivision, and all area affected by runoff resulting from development of proposed subdivision in accordance with the following provisions:

- a. The one hundred (100) year maximum flood shall be used as the basis for the sizing of all drainage channels, bridges and other structures, unless otherwise specified herein.
- b. The calculation of all runoff shall be based on saturated urbanization of the drainage basin for minor tributaries and surface drainage, as reflected in the Comprehensive Plan for the city; and shall be based on the maximum degree of urbanization, as reflected in the Comprehensive Plan, for the drainage basin of a major tributary or river.
- c. The calculation of stream flow and runoff characteristics of the subdivision shall be carried out in consultation with the town engineer, and the methodology and formulas used shall result in quantities which would be not less than those derived from the application of the following formulas and values:

- (1) Runoff from all drainage areas shall be not less than that determined by Rational Formula:

$$Q = AIR$$

Q - Cubic feet per second

A - Area to be drained in acres, determined by field surveys for areas less than six hundred forty (640) acres and by latest government quadrangle maps for larger areas.

I - Percent of imperviousness of the area. This may vary between forty percent (40%) and ninety five percent (95%) but no value of less than fifty percent (50%) may be used for saturated urban development.

R - Rate of rainfall over entire drainage area in inches per hour, based on time of concentration and latest government records for area.

- (2) The size of closed storm sewers, open channels, culverts, and bridges shall be not less than that determined by using Manning Formula:

$$Q = \frac{1,486 \cdot r^{2/3} \cdot s^{1/2} \cdot A}{n}$$

Q - Discharge in cubic feet per second.

A - Cross sectional area of water in conduit in square feet.

r - Hydraulic radius of water in conduit.

s - Mean slope of hydraulic gradient, in feet of vertical rise per foot of horizontal distance.

n - Roughness coefficient, based on condition and type of material of conduit lining, but not less than 0.013.

Section 16-140. Flood Hazard Areas On Major Tributaries And Rivers.

All floodway and flood-fringe areas located within the subdivision shall be protected and improved by the developer as follows:

1. All floodways shall be designated as "Flowage Easements" and shall be maintained as permanent open space for use for private recreation or agriculture for which no buildings or structures are required, or dedicated to the public for drainage, recreation and utility use.
2. All flood-fringe areas shall be planned for uses which are permitted in the flood-fringe area of the zoning ordinance, and in no case shall the proposed use or construction cause a displacement of flood water in the flood-fringe that will increase flooding in other areas of the floodway or flood-fringe.
3. When it is determined by the town engineer that the development of the subdivision will significantly increase run-off in the flood hazard area or will otherwise adversely affect storm water runoff, the planning commission may require any or all of the following to the extent needed to reduce the adverse affects of the development:
 - a. The design and installation of storm water detention basins and flow retardation structures to control the rate of runoff may be required within or outside the subdivision.
 - b. The existing floodway lying within or immediately adjacent to the subdivision shall be cleaned to provide for the free flow of water, and the channel shall be straightened, widened, and improved to the extent required to prevent overflow beyond the limits of the floodway.
 - c. Site improvement shall provide for the grading of all building sites and streets to an elevation where all lots, building areas, and streets will not be subject to overflow, and in a manner that will provide for the rapid runoff of all rainfall; however, such improvements shall be carried out in a manner that will preserve and protect large trees and attractive physical features of the area.

- d. Whenever channel improvement is carried out, sodding, back-sloping, cribbing, and other bank protection shall be designed and constructed to control erosion for all the anticipated conditions of flow for the segment of channel involved.
- e. A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer, or unless a paved street surface is provided on both sides of a paved channel to give access to abutting properties.
- f. Culverts, bridges, and other drainage structures shall be constructed in accordance with the specifications of the Town at all locations where drainage channels intersect with continuous streets or alleys.

Section 16-141. Minor Tributaries And Drainage Improvements.

All minor tributaries and surface drainage located within or immediately adjacent to serving the subdivision shall be improved by the developer, as follows:

- 1. All minor tributary channels shall be improved in accordance with the standards set forth on Figures b, c, d, e or other equivalent standards, as determined by the town engineer. Sections on Figure e shall be used only for channels of minor tributaries which drain less than eighty (80) acres, and which are designed as an integral part of the landscape of the area so that maintenance of sodded slopes will be the responsibility of the property owners abutting the channel. All channels shall be designed for self-cleaning and ease of maintenance, shall have sufficient hard surface along the flow line to prevent ponding of water, and shall have design characteristics of alignment, materials of construction and cross-sectioned elements that will be hydraulically efficient and visually harmonious with the adjacent landscape.
- 2. The design and installation of storm water detention basins and flow retardation structures to control the rate of runoff may be required within or outside the subdivision.
- 3. Enclosed storm sewers may be required by the town engineer where special or unusual conditions make open channels hazardous or otherwise unfeasible.
- 4. A drainage channel shall not be located in a street easement unless it is placed in a closed storm sewer, or unless a paved street surface is located on both sides of a paved drainage channel to give access to abutting properties.
- 5. Site grading shall be carried out in such a manner that surface water from each lot shall flow directly to a storm sewer, improved channel or paved street without crossing more than two adjacent lots.
- 6. Surface water collected on streets shall be diverted to storm drains at satisfactory intervals to prevent overflow of six (6) inch high curbs during a fifty (50) year frequency rain for the area and grades involved; provided; however, that in no case shall the drainage area served by one (1) street exceed twenty (20) acres, regardless of the amount of flow.
- 7. Drainage easements of satisfactory width to provide working room for construction and maintenance shall be provided for all storm sewers. In no case shall the total easement be less than twenty (20) feet.
- 8. Bridges and Culverts:
 - a. Bridges or culverts shall be provided where water courses cross continuous streets or alleys.
 - b. Bridges and culverts shall be sized to accommodate a one hundred (100) year frequency rain, based on the drainage area involved.
 - c. Design of bridges and culverts shall conform to town construction specifications.
- 9. Closed Storm Sewers:

Closed storm sewers shall be constructed of precast or prefabricated pipe or built in place of closed box design to conform with town construction specifications to serve a one hundred (100) year frequency rain for the drainage area involved.
- 10. Open Paved Storm Drainage:
 - a. Open paved storm drainage channels shall be constructed in accordance with town specifications.

- b. Side slopes above the paved section shall be shaped and sodded on a slope of four horizontal to one vertical or flatter.
- c. Fences shall be outside of the one hundred (100) year frequency flooding line, shall not be erected below the shoulder of the sodded section and in no case shall fences be closer than six (6) feet (measured horizontally) to the edge of the paved section, except on Figure c sections.
- d. Hand-laid rip-rap may be substituted for sodded shoulders where desired for landscape purposes.

Section 16-142. Drainage Channels And Storm Sewers Outside Addition Boundaries.

The town reserves the right to require improvements, provisions of drainage easements, and for provision of agreements beyond the boundaries of the subdivision to facilitate flow of water through the addition, to avoid probability of law suits based on damage from changed runoff in the subdivision, and to provide continuous improvement of overall storm drainage system.

Requirements outside the addition may include the following:

- 1. Improvements may be required in channels or storm sewers flowing to or from the addition, or in channels or storm sewers located in adjacent areas that are affected by flow of water from the addition.
- 2. The following kinds of improvements may be required:
 - a. Enlargement or replacement of undersized drainage structures to provide free flow.
 - b. Removal of obstructions.
 - c. Straightening of channel.
 - d. Widening or deepening of the channel.
 - e. Construction of erosion control structures.
 - f. Back sloping, sodding and/or rip-rapping of bank.
 - g. Construction of closed or open paved storm sewer system.
- 3. Property owner agreements, where required, shall be designed to protect the town from probable lawsuits for damage, caused by changed runoff condition.
- 4. When subdivision development will result in increased runoff beyond the boundaries of the subdivision which cannot be accommodated through channel improvements without causing downstream flooding, the town planning commission may require the construction of one or more retention reservoirs on the subdivision which will temporarily impound and discharge water from the subdivision site at the rate and volume equivalent to the discharge from the undeveloped subdivision site. The design shall be for a one hundred (100) year frequency flood. Plans shall be approved by the town engineer. The construction and maintenance of retention reservoirs shall be the responsibility of the developer.

Article 17. Penalty.

Section 16-143. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code of Ordinances. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 17

PUBLIC FACILITIES

Article 1. Library.

Article 2. Penalty.

Article 1. Library.

Section 17-1. (Reserved for future use.)

Section 17-2. Library System Established; Jurisdiction.

A multi-county library system, legally organized and operated according to the laws of Oklahoma in accordance with the Oklahoma Library Code (65 O.S. Supp. 1967 § 1-101 through 7-106) and the Constitution of the State of Oklahoma (Article X, Section 10A), serves the following counties: Custer, Dewey, Washita and Roger Mills; provided, however, that additional counties may be added to the district if approved by the Oklahoma Department of Libraries Board.

Section 17-3. Governing Board.

The Governing Board of said multi-county library system consists of three members from each county appointed by the Board of County Commissioners; provided that by April 6, 1970, Board membership shall be reconstituted to conform with the provisions of 65 O.S. Supp. 1967, § 4-103, as required by the provisions of O.S. Supp., 1967, § 4-108 (b).

Section 17-4. Ad Valorem Tax.

The multi-county library system is supported by a special recurring ad valorem tax levy approved by vote of the people for this purpose and by funds from other sources as provided by the Oklahoma Library Code and the Constitution of the State of Oklahoma.

Section 17-5. Town in District.

1. The Town of Burns Flat, Washita County, Oklahoma, is located within the district served by said multi-county library system legally established and operating.
2. The Town of Burns Flat, Washita County, Oklahoma is the possessor of the library and operates it for the benefit of the people of the Town of Burns Flat and under the provisions of the Oklahoma Library Code. The Town of Burns Flat is a legal and active participant in said multi-county library system.

Section 17-6. Board Appointment.

The Town of Burns Flat, Washita County, Oklahoma, agrees to appoint one person to represent the Town of Burns Flat on the multi-county library board, at such time as the multi-county library board elects to come under the provisions of 65 O.S. Supp., 1967 4-103.

Section 17-7. Library Incorporated.

The Library is hereby incorporated into the multi-county library in accordance with the provisions the Oklahoma Library Code; and the Town of Burns Flat will provide maintenance and necessary utility services of the library quarters and the multi-county library will assume the operation and direction of said library and bear all other expenses, except that the Town of Burns Flat may from time to time at its option, appropriate funds for operation and/or improvements of said Library.

Article 2. Penalty.

Section 17-8. Penalty.

Any person, firm or corporation who shall violate any provisions of this Chapter shall be guilty of any offense and, upon conviction thereof, shall be punished by fine and costs as provided in Section 1-20 of this Code. Each day's continuation of any such violation shall constitute a separate offense.

CHAPTER 18
PUBLIC UTILITIES

- Article 1. General Provisions.
- Article 2. Water System.
- Article 3. Sewage System.
- Article 4. Solid Waste Collection and Disposal System.
- Article 5. Fees and Rates.
- Article 6. Penalty.

Article 1. General Provisions.

Section 18-1. Municipal Utility Systems.

1. Water and sewer services are provided to residents of the Town of Burns Flat, Oklahoma by the Burns Flat Public Utilities Authority a municipal trust of said Town.
2. The Town of Burns Flat, Oklahoma provides solid waste collection and disposal services to residents of the Community. The Town may contract with any public or private entity for the provision of these services.
3. Any reference to the Town Clerk-Treasurer in provisions relating to water and sewer services shall mean the Utilities Authority Secretary.

Section 18-2. Connections Mandatory.

Each occupied residence and each occupied business or commercial building in the town shall connect to the town's water and sewer systems so long as the system is brought within at least one hundred fifty (150) feet of the residence or business property line.

Section 18-3. Application for Municipal Utility Services.

Any person desiring to secure one (1) or more utility connections from the municipal systems shall make an application therefore to the Town Clerk-Treasurer, on an application form to be provided by said Clerk. The applicant shall give such reasonable information as the Town Clerk-Treasurer may request and shall state in the application that he will abide by all Ordinances, rules and regulations governing the utilities and services of the Town of Burns Flat, Oklahoma.

Section 18-4. Deposit for Municipal Utility Services.

An applicant for services shall make a deposit, the amount of which shall be determined by the Resolution of the Utilities Authority. An applicant shall not be granted such service until he has paid to the Utilities Secretary such deposit, which shall serve as a guarantee for the payment of charges for utilities, services and other amounts owed to the Town in connection with such municipal services. When a customer's service is discontinued, the deposit or any part of such amount of deposit which remains after all such charges and amounts due the Town have been satisfied, shall be returned to the customer.

Section 18-5. One (1) Premise to a Meter.

No more than one (1) premise may be connected to any one (1) water meter or sewer tap without special arrangements being made with the Town of Burns Flat, Oklahoma. No customer shall make or permit to be made any subsidiary connection of another's premises with his water or sewer service.

Section 18-6. Turning on Utilities.

It shall be unlawful for any person to turn any utility on to any premises from any municipal system, without written permission of the Town Administrator. Utilities shall not be turned on until the plumbing or electrical wiring, as the case may be, had been inspected and approved by the building official or his designated representative, as provided by Ordinance, and until any and all deposits and charges have been paid. The Town Administrator will see that the utility is turned on when all requirements for service have been complied with.

Section 18-7. Bills Due When: Delinquency.

1. All bills for utility service shall be due and payable on or before the tenth (10th) day of the calendar month following the service month when the service was rendered, after which they shall become delinquent. Service may be cut off without further notice if the bill is not paid by the twentieth (20th) day of the month.
2. Bills rendered when service is discontinued shall be due and payable to the Town Clerk-Treasurer at the time bills are presented or sent to the customer.
3. There is hereby levied a monthly surcharge of five dollars (\$5.00) per month per utility account (with the exception of non-profit entities such as schools, churches and other organizations) for the purpose of providing for ambulance and emergency medical services to the residents of the Town of Burns Flat, Oklahoma. Individuals who do not reside within the boundaries of the Town of Burns Flat, but who reside within the boundaries of the ambulance district which includes the Town of Burns Flat, may voluntarily pay the monthly surcharge of five dollars (\$5.00) per month in a manner determined by the Town Clerk.

Section 18-8. Utilities may be Cut Off.

1. Utilities may be cut off and service discontinued for any of the following reasons:
 - a. Violation of any Ordinance provision relating to a 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;
 - b. Any act or omission in regard to the water system or sanitary sewer system, the use of water or the disposal of liquid wastes which jeopardizes the public health or safety, creates a public nuisance or interferes with the rights of others; or
 - c. Failure to pay a utility bill or other proper charge made in connection with a municipal utility system by the time specified by official policy.
2. A particular service may be cut off for any act or omission in regard to the abuse of another system or service, which jeopardizes the public health or safety, creates a public nuisance or interferes with the rights of others.
3. The Town reserves the right to cut off or reduce any utility or service to any customer when necessary to conserve water, protect life or property or repair or improve the system.
4. In case of emergency caused by a water shortage in the municipal water system, it shall be the duty of the Board of Trustees of the Burns Flat Public Utilities Authority to immediately give notice by publication to the system's water consumers, not to use water obtained from the system for any purpose other than for strictly domestic use, and such other use as the Town Board may designate, so long as the water shortage lasts. Therefore, and until the Utilities Authority declares the emergency at an end, it shall be unlawful for any person, firm, or corporation, during such emergency, to use water obtained from the municipal water system for any purpose other than strictly domestic use, and such other uses as the Board of Trustees may have designated.

Section 18-9. Turning Utilities on Again.

When a customer's utility service has been cut off because of delinquency or act or omission of the customer, it may be turned on again only when all charges have been paid or other change in the conditions justify it. A charge as set in the fee schedule shall be made for turning a utility on again.

Section 18-10. Utilities to be Turned Back on Only by Town Authority.

When a utility has been turned off by Town personnel, it shall not be turned on again without written permission of the Town Clerk-Treasurer.

Section 18-11. No Service Connection Until Bills Have Been Paid.

A person owing delinquent municipal utility bills or other charges in connection with a municipal utility system shall not be

extended additional services until such bills and charges have been paid.

Section 18-12. Customers to Keep Service Pipes in Good Repair.

All customers using Town utilities 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 18-13. Town not Responsible for Utility Interruption or Stoppage.

The Burns Flat Public Utilities Authority shall not be responsible for any damages due to stoppage or interruption of any utility or service.

Section 18-14. Town Personnel may Inspect Private Premises.

Municipal personnel may enter any private premises served by municipal utilities at any reasonable time and inspect pipes, fixtures and/or wiring on the premises, or read and examine meters.

Section 18-15. Interference with Fire Hydrants; Damage of Utility System.

1. It shall be unlawful for any person, unless duly authorized by the Utilities Authority, 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.
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 the municipal utility system.

Sections 18-16 through 18-19. (Reserved for future use.)

Article 2. Water System.

Section 18-20. "Water System" Defined.

As used in this Article, the term "water system," "waterworks," or "water distribution system" shall mean the water works utility system of the Town of Burns Flat, Oklahoma.

Section 18-21. Meters.

Water from the water system shall be furnished to customers only through meters. All meters shall be set only under the directions of the superintendent of the utilities systems.

Section 18-22. Town to Make and Maintain Water Connections.

1. The Burns Flat Public Utilities Authority shall make, inspect and maintain all connections to its water lines. It shall be unlawful for any person, other than a duly authorized agent or employee of the Town to make a connection to any water line belonging to or controlled by the Town.
2. Installation of all water lines from any premise to the main water lines of the Town of Burns Flat shall be the responsibility of the premise owner. Maintenance of all service lines from the meter to the premise shall be the responsibility of the owner. The Burns Flat Public Utilities Authority shall maintain all meters and service lines from the meter to the main lines.
3. Installation of all service lines and meters shall be conducted only by plumbers duly licensed by the State of Oklahoma and the Town of Burns Flat, Oklahoma.

Section 18-23. Utility Customer to Install and Maintain Service Line; Shutoff Valve Required.

1. Each consumer of water furnished by the Town shall lay his own pipeline from the premises to the property line for the

purpose of conveying water to such point on his premises as he may desire; he shall thereafter be required to keep the same in good repair and sanitary condition.

2. Newly installed service lines after the effective date of this chapter shall include a master shutoff valve between the meter and the premise.

Section 18-24. Right of Entry to Premises Served by System.

Consumers taking water from the Town shall, at all reasonable hours, grant any person authorized by the Town Board or Utilities Authority free access to all parts of the premises to which water is delivered, for the purpose of inspection and examination of fixtures or to read the meters. Occupied premises that are not accessible shall be required to make said premises accessible and shall be assessed a fee as set by the Town Board of Trustees per visit when accessibility is denied.

Section 18-25. Right to Turn Off Water in Mains; Utilities Authority not Liable for Damages.

1. The Utilities Authority reserves the right to turn off the water in its mains at any time, for the purpose of making repairs or in the event of a breakdown in equipment.
2. All persons taking water from the mains shall do so at their own risk and the Utilities Authority shall not be held responsible for any accident or damage of any kind or character occasioned by pressure in the water mains, the shutting off of the water, or failure to keep water under pressure in the mains.

Section 18-26. Tampering With or Injuring Waterworks Property.

1. It shall be unlawful for any person to injure or deface, or in any way tamper with any hydrant, meter, valve, pipeline, or any part of the waterworks system, or to turn the water off or on from any main at any time or place, unless he is duly authorized to do so by the Town Administrator.
2. It shall be unlawful for any person or persons, except duly authorized officers and employees of the Town of Burns Flat, Oklahoma, or contractors, engineers authorized by the Town Administrator to scale, climb, or go upon the Town's water tower.

Section 18-27. Use of Water Wells for Domestic Purposes.

No person shall have the right to drill any water well within the limits of the Town of Burns Flat, Oklahoma, for any purpose other than for domestic purposes; provided, however, in the event a person shall desire to drill a water well for purposes other than domestic purposes and the Burns Flat Public Utilities Authority is unwilling or unable for reason to provide said person a supply of water commensurate with the needs of that person, said person may make application for the drilling and use of a water well for purposes other than domestic purposes and upon a showing to the Trustees of the Burns Flat Public Utilities Authority that the drilling and use of said water well will not jeopardize or otherwise interfere with the water supply of the Burns Flat Public Utilities Authority said application may in the discretion of the Trustees, be granted; provided, however, that at such time as the Utilities Authority is able and willing to provide said person water, the Authority may require said person to tie in to the water main of the Authority and to plug and abandon the well used by said person.

Section 18-28. Use of Water from Water Mains.

No person shall have the right to drill a water well for domestic use except when the Town main lines are not available to said person, in which event said person shall have the right to drill and use a water well for domestic purposes only after proper application has been made, approved and a permit for the use thereof has been issued.

Section 18-29. Domestic Use.

Domestic use means the use of water by a natural individual or by a family or household for household purposes, for farm and domestic animals up to the normal grazing capacity of the land, and for the irrigation of the land not exceeding the total of three (3) acres in areas for the growing of gardens, orchards, and lawns.

Section 18-30. Use of Water Interconnections Prohibited.

Except as herein otherwise provided, water from privately owned wells within the Town of Burns Flat, Oklahoma, shall be used only for domestic purposes on the premises where the well is located, and there shall be no interconnection thereto or extension thereof. In the case of wells in use prior to the effective date of this Ordinance, use of the water therefrom may be continued to the same extent and for the same purposes, but such uses shall not be extended or increased. No domestic water well shall be utilized to fill a natural or man-made earthen basin nor to maintain water in the same, nor shall the water well be used for recreational purposes or any purposes which may constitute waste.

Section 18-31. Authority of Ground Water within the Town lies with Town Board.

No privately owned water well within the Town shall hereafter be drilled to, nor shall any existing well hereafter be deepened to, nor any privately owned well be completed at, such depth as will interfere or allow water to be taken and produced from the water producing sands from which the Town obtains its municipal water supply, except in those instances and in those areas where water is not available to the prospective user from the Town's regular system.

Section 18-32. Water Well Permits.

1. Any person who otherwise qualifies for the drilling and use of water well within the Town of Burns Flat, Oklahoma, may apply in writing to the Town Clerk-Treasurer for a permit for the use of said water well. Said person shall, upon making said application, pay to the Town Clerk-Treasurer a permit fee of ten dollars (\$10.00). An authorized officer of the Town shall review said application to determine if the proposed water well complies with the Ordinances of the Town of Burns Flat, Oklahoma, the laws of the State of Oklahoma, and the regulations of the State Health Department. Said authorized officer may require the applicant to furnish in writing any additional information required to make said determination. Upon approval of said application by the Board of Trustees the Town Clerk-Treasurer shall issue a permit for the drilling and use of said water well.
2. No permit shall be issued by the Town Clerk-Treasurer to any person, firm or corporation unless such person, firm or corporation has been duly licensed by the appropriate agency of the State of Oklahoma. Furthermore, it shall be unlawful for any person, firm or corporation not so licensed to drill any well within the corporate limits of the Town of Burns Flat, Oklahoma.

Section 18-33. Emergency Regulation.

The Board of Trustees of the Town of Burns Flat, Oklahoma reserves the right, in case of emergency, to govern and regulate the use of water to all consumers, by resolution or proclamation as they deem proper for the public health and safety.

Section 18-34 through Section 18-39. (Reserved for future use.)

Article 3. Sewage System.

Section 18-40. Town to Make and Maintain Sewer Connection.

1. The Burns Flat Public Utilities Authority shall make, inspect and maintain all extensions or additions to its main sewer lines. It shall be unlawful for any person, other than a duly authorized agent or employee of the Town to make a connection to any sewer line belonging to, or controlled by, the Burns Flat Public Utilities Authority.
2. Installation and maintenance of all service lines and lateral lines from the point where such lines connect with the sewer main to the premise being served shall be the responsibility of the owner of the premise being served; provided, however, that all installation and maintenance shall be provided only by plumbers duly licensed by the State of Oklahoma and the Town of Burns Flat.
3. All new connections or replacement lines to the Burns Flat Public Utilities Authority sewer system shall include a pop-off overflow valve to protect against backflow. Said valve should be of sufficient size and quality to prevent backflow to individual residence or business.

Section 18-41. Mandatory Sewer Connections.

1. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is 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 sixty (60) days after the date of official notice to do so, provided that such public sewer is within three hundred (300) feet of the property line. Any lift station required for proper connection to the public sewer shall be installed and maintained by the person in charge of the premises.
2. Said notice (above) shall be served by any member of the Burns Flat Public Utilities Authority or other duly authorized agent by delivering a true and correct copy to the property owner, or leaving the same at his usual place of residence with a member of his 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, and each twenty-four (24) hour period thereafter shall constitute a separate offense. In the event of a continuous violation of this Section by any property owner, the Burns Flat Public Utilities Authority shall discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made.

Section 18-42. Private Sewage Disposal Facilities.

1. Except as hereinafter provided in this Section, it shall be unlawful for any person to construct or maintain any 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 Burns Flat, Oklahoma.
2. Where a connection to a public sanitary sewer line is not required under the provisions of Section 18-41, a private septic tank or cesspool or other facility for sewage disposal may be constructed and maintained under the rules and regulations of the Town and County Health Officer and in compliance with the recommendations and requirements of the Oklahoma State Department of Public Health. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
3. The owner of private septic tanks or cesspools 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 Chapter shall be construed to interfere with any additional requirements that may be imposed by the health officer of the Town, County or State.
4. At such time as a public sewer becomes available to a property served by a septic tank or cesspool, a direct connection shall be made to such public sewer in compliance with Section 18-41, and the septic tank or cesspool shall immediately be abandoned and filled with suitable material.

Sections 18-43 through 18-47. (Reserved for future use.)

Article 4. Solid Waste Collection and Disposal.

Section 18-48. Collection and Disposal Declared to be a Municipal Function.

The collection and disposal of garbage, trash and refuse is hereby declared to be a municipal function of the Town as a protection of the public health; the police powers of the Town shall be invoked when necessary for the enforcement of this Chapter. In addition, the Town may collect and dispose of refuse, as it deems necessary, provided that such disposal shall be by an approved method of incineration (no open burning) or by landfill and daily cover.

Section 18-49. Purpose.

It is the purpose of this Article and it is hereby declared to be the policy of the Town, pursuant to the authority of the Oklahoma Solid Waste Management Act (Title 63 O.S. 2081, Sections 2251-2265, inclusive), 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 Town's environment.

Section 18-50. Definitions.

1. Person. Any individual, corporation, company, firm, partnership, association, trust or other legal entity, however constituted or organized.
2. Refuse. Tree trimmings, junked building materials and roofing materials, manufacturing waste, rocks, dirt and other waste material not defined as “solid waste” or “trash”.
3. Trash. Paper, rags, containers of 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.
4. Solid Waste. 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, herbicides and pesticide wastes).
5. Solid Waste Management System. 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.

Section 18-51. Accumulation Nuisance; Containers.

1. It is 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 an inhabitant thereof. Any such condition is hereby declared a violation of this Article 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 said Town shall, prior to construction on any premises in said Town, furnish and place on said premises a container of suitable size and design to contain all solid waste which might, by the winds or elements, be distributed and blown from the premises; said containers shall be used by the person concerned at all times to keep the premises from becoming unsightly with solid waste.
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 Town streets, shall be deemed guilty of causing a nuisance, and shall be subject to the penalties in this Code of Ordinances prescribed therefore.
4. All persons in charge of any premises or piece of ground shall deposit for collection all solid waste in containers provided by the Town of Burns Flat, Oklahoma, or its contract agent. In the event the Town or its contract agent does not provide such containers, all persons in charge of any premises or property in the Town shall place all solid waste in watertight metallic or plastic cans or containers of sufficient size to hold not less than twenty (20) nor more than thirty-two (32) gallons, and have close fitting covers and handles on the sides. If the Town or its contract disposal agent does not furnish receptacles on the public right-of-way for the collection of solid wastes on a block basis, then the cans or containers herein required shall be placed by the person in charge of said premises or piece of ground on the alley or at some convenient place on the lot premises or piece of ground so as to provide access thereto by a collector.
5. It is unlawful for any person to deposit for collection or other purpose any solid waste on any street, alley or public parking area, or on any private property, unless the same is deposited in cans or containers as herein above (subsection 4) provided. If the Town or its contract solid waste disposal agent furnishes or otherwise provides bulk metal receptacles or containers on the public rights-of-way for use by persons residing or doing business on a block for which said receptacles or containers are furnished or provided, persons in charge of premises, lots or pieces of ground within the Town shall transfer the solid waste accumulated on their own premises and contained in receptacles or containers, as herein above prescribed, to the block containers furnished or provided by the Town or its solid waste disposal contract agent.
6. Containers used for holding combustible or non-combustible wastes shall be maintained in good condition. Any waste container that does not conform to the provisions of this Article, that may have ragged or sharp edges or may have any other defect liable to hamper or injure the person collecting the contents thereof, must be promptly replaced by a proper receptacle upon receipt of notice to that effect from the collector; if not so replaced within ten (10) days after receipt of such notice, the nonconforming or defective containers may be collected and disposed of by said collector. Solid waste containers are to be placed at curbside no earlier or later than twenty-four (24) hours prior and post to scheduled service runs.

7. 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.

Section 18-52. Burning of Solid Waste.

1. It shall be unlawful for any person to start or maintain any fire or cause any fire to be started or maintained for the purpose of burning or incinerating any solid waste.
2. It shall be unlawful to construct or install, within any building in the Town, any incinerator designed to burn solid wastes.

Section 18-53. Who May Remove Solid Waste.

It shall be unlawful for any person, except under contract as is hereinafter provided for, to remove or cause to be removed, any solid waste materials from any garbage can or other receptacle used for the deposit of same, or to transport, haul, carry or otherwise move over any of the streets, alleys or other public ways, any solid waste materials.

Section 18-54. Machine Grinding.

It shall be unlawful to construct or to install within any retail store or other commercial or industrial establishment within the Town any mechanical or power-driven device or machine for the grinding of solid waste materials designed to be introduced into the sewer system of said Town, unless the same has been approved by the Town Board of Trustees, to ensure that such waste will not block or otherwise interfere with the sewer system.

Section 18-55. Disposition of Animal Carcasses.

It shall be unlawful for any person to bury or cause to be buried the carcass of any dead animal at any place within the Town of Burns Flat, Oklahoma. The Town shall not be responsible for the disposition of dead animals.

Section 18-56. Collection of Rates and Charges.

1. To facilitate the collection of the solid waste rates and charges levied and assessed in this Chapter, the Clerk or other designated agent of the Town is hereby further directed to include said charges on the same bill by which the Town bills for and collects for its sewer, water or other services, to the end that the rates and charges herein levied shall be paid and collected by the Town at the same time. The rates and charges levied shall be shown on said bill as a separate and distinct item of charge.
2. In the event any owner, occupant or person in charge of any user unit against whom a charge has been herein levied and assessed fails or otherwise refuses to pay said charge, the Clerk or other person responsible, is hereby directed to terminate all services rendered thereto, including water services, when said account has been delinquent for a period of thirty (30) days. No services thus terminated shall be reconnected or renewed until such time as all charges have been paid in full to the then current date. In addition, the Clerk is further directed to institute any appropriate legal action to collect said delinquency if the same is not paid after the expiration of sixty (60) days.

Sections 18-57 through 18-69. (Reserved for future use.)

Article 5. Penalty.

Section 18-70. Penalty.

Any person who violates any provision of this Chapter or of any Ordinance, Code, or standard adopted by this Chapter, or maintains or permits to continue any public nuisance as defined by this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code. Every day upon which a violation continues shall be deemed a separate offense.

CHAPTER 19

STREETS AND OTHER PUBLIC AREAS

- Article 1. Use and Obstruction.
- Article 2. Miscellaneous Provisions.
- Article 3. Penalty.

Article 1. Use and Obstruction.

Section 19-1. Trees and Shrubbery.

1. The owner of any premises abutting on any street shall trim all trees and shrubbery 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. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as herein required of the owner.
2. It shall be unlawful for any person to injure any tree or shrubbery within any public right-of-way; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

Section 19-2. Rights-of-way and Easements.

1. It shall be unlawful for any person, firm or corporation to obstruct or otherwise prevent access to any publicly-used street, alley, easement or other municipally-owned property, whether platted or unplatted; provided that the Town of Burns Flat, Oklahoma, may prevent or provide access to such streets, alleys, easements and municipally-owned properties, from time to time, in the public interest.
2. The Town Board of Trustees may permit certain streets, alleys, easements and municipal properties, which are dedicated but not required for traffic or other public access or use, to be fenced or otherwise made inaccessible to the public (as in the case of land being farmed or grazed as a part of a larger field or pasture); provided, that said Town Board or any of its officers or employees shall have the right of ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, mowing or any other activity which is in the public interest.
3. Persons, companies, corporations or individuals who have fenced in, or are farming or grazing dedicated, but unopened, streets, alleys, easements or municipally-owned properties, as permitted above, shall:
 - a. Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land;
 - b. Maintain the property so that no nuisance is created;
 - c. Immediately relinquish any rights presumed to be held concerning the property upon notice by the Town of Burns Flat, Oklahoma; and
 - d. Permit access to the property at any time when requested to do so by a municipal officer or employee.

Section 19-3. Obstructions.

1. It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easements or public rights-of-way of the Town of Burns Flat, Oklahoma, in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere unduly with the purpose(s) of said easement or right-of-way.
2. It shall be unlawful for any person, firm or corporation to deposit, throw or sweep into or upon streets, alleys, parking areas or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.
3. It shall be 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.

4. It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the Town of Burns Flat, Oklahoma.
5. It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public grounds, or to remove any earth or construction material therefrom, except where authorized to do so by the Town Board of Trustees; excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.
6. It shall be unlawful for any person, firm or corporation to obstruct any street, sidewalk, alley or drainage easement by placing any approach, driveway or other obstruction or substance whatever, that will obstruct or prevent the natural flow of water through the easement or into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters.

Section 19-4. Drainage of Polluting substance.

It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance (as defined by 82 O.S. 1971, § 926.1 as amended) into any street, alley, sidewalk or public right-of-way of the Town of Burns Flat, Oklahoma.

Section 19-5. Vehicles Injurious to Streets.

No vehicle or object which injures or is likely to injure the surface of a street shall be driven or moved on any street.

Sections 19-6 through 19-9. (Reserved for future use.)

Article 2. Miscellaneous Provisions.

Sections 19-10 through 19-19. (Reserved for future use.)

Article 3. Penalty.

Section 19-20. Penalty.

1. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in Section 19-1, after receiving ten (10) days' notice from the Town of Burns Flat to do so, shall be guilty of an offense.
2. Any violation of this Chapter shall be deemed an offense and, upon conviction thereof, shall be punished by a fine and costs as provided for in Section 1-20 of this Code. Every day upon which a violation continues shall be deemed a separate offense.

CHAPTER 20

TRAFFIC

- Article 1. General Provisions and Administration.
- Article 2. Operation of Vehicles Generally, Parking and Speeding.
- Article 3. Traffic Signals and Devices.
- Article 4. Bicycles.
- Article 5. Impoundment of Vehicles.
- Article 6. Penalty.

Article 1. General Provisions and Administration.

Section 20-1. Definitions.

For the purposes of this part the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this part which are not defined in this section, but are defined in the laws of the state regulating traffic, the definition in the laws of the state shall be deemed to apply to the words and phrases used in this part:

1. "Alley" means a public passageway or street which affords only secondary means of vehicular access to abutting property, and having no legal or official name other than alley;
2. "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) or three (3) tandem wheels any of which is more than twenty (20) inches in diameter;
3. "Commercial vehicle" means every vehicle designed, maintained, or used primarily for the transportation of property;
4. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;
5. "Driver" means every person who drives or is in actual physical control of a vehicle;
6. "Emergency vehicles" means vehicles of fire departments, police vehicles and ambulances;
7. "Intersection" means the area embraced within the lateral boundary lines of the roadways of two (2) streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;
8. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;
9. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;
10. "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;
11. "Official time standard" means that whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this town;
12. "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this code placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;
13. "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
14. "Pedestrian" means any person afoot;
15. "Police officer" means any officer of the town police department or any other officer authorized by law to direct or regulate traffic or to make arrests for violations of traffic regulations;

16. "Private road or roadway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;
17. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;
18. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;
19. "Right-of-way" means the privilege of the immediate use of the roadway;
20. "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;
21. "Sidewalk" means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians;
22. "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;
23. "Stop" means, when required, complete cessation from movement. When prohibited, stop or stopping means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;
24. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;
25. "Through street" means every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield right-of-way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this part;
26. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel;
27. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated by which traffic alternately is directed to stop and permitted to proceed; and
28. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Reference: 47 O.S. § 1-101 et seq.

Section 20-2. 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 20-3. Vehicle Equipment Generally.

Every vehicle operated upon the streets of the town shall be equipped as required by law. It is unlawful for any person to:

1. Operate a vehicle upon a street of the town which is not equipped as required by law;
2. Fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law; or

3. Operate a vehicle which has equipment prohibited by law upon a street in the town.

Reference: 47 O.S. § 12-101 et seq.

Section 20-4. Size Weight of Vehicles, Vehicles More Than Two-and-a-Half (2.5) Tons.

1. 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.
2. No vehicle weighing more than two and one half (2.5) tons shall be operated upon the streets, alleys and other public ways within the town, except on state highways.

Reference: 47 O.S. § 14-101 et seq.

Section 20-5. Securing Loads.

1. 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.
2. 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.
3. 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 20-6. 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 20-7. 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.

Reference: 47 O.S. § 11-1105.

Section 20-8. Boarding or Alighting from Vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

Section 20-9. 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 20-10. 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 20-11. 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.

Reference: 47 O.S. § 11-104.

Section 20-12. Working on Streets; Exceptions.

1. 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.
2. When any street has been closed to traffic under the provisions of this section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance, and repair, or to persons entering therein for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.
3. 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 20-13. 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.

Reference: 47 O.S. § 11-106.

Section 20-14. Approach of an Authorized Emergency Vehicle.

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of 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.

Reference: 47 O.S. § 11-405.

Section 20-15. 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.

Reference: 47 O.S. § 11-108(a).

Section 20-16 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.

Reference: 47 O.S. § 11-1109.

Section 20-17. 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 20-18. Accidents, Duty to Stop, Leaving Scene of Accident.

1. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of; or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.
2. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars (\$300.00) shall, as soon as practicable, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state department of public safety in accordance with state law, the driver shall be deemed to be in compliance with this section.
3. 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 1108 of this code.

Reference: 47 O.S. § 10-101 et seq.

Section 20-19. Issuance of Citation Tags.

1. The chief of police is hereby authorized and directed to supply police officers with citation tags in sets, each set consisting of an original and at least two (2) duplicate copies, for the purpose of giving notice to persons violating any provision of this part.
2. Notice may be given by delivering the tags to the violator or by affixing it to the vehicle involved in the violation.
3. Each citation tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon. Each tag shall bear the registration number of the vehicle.
4. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.
5. 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 20-20. 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 20-21. 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 20-22. 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 20-23. Disposition and Records of Traffic Citations, Warrants and Complaints.

1. 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.
2. 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.
3. 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.
4. 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 20-24. Court Records; Abstract to be Sent to State Department of Public Safety.

1. 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.
2. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.
3. 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 20-25. Adoption of State Traffic Code.

The provisions of the state motor vehicle code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the town within the town limits as fully as if set out at length herein.

Reference: 47 O.S. § 10-101 et seq; 1-101 et seq.

Section 20-26. Insurance or Certificate Required.

1. 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.

2. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department 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 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;
 - c. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;
 - d. Any licensed taxicab; and
 - e. Any vehicle owned by a licensed motor vehicle dealer.
3. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:
 - a. "Owner's Policy" means an owner's policy of liability insurance which:
 - (1) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;
 - (2) Shall insure the person named therein and insure any other person, except as provided in 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;
 - (3) May provide for exclusions from coverage in accordance with existing laws; and
 - (4) Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;
 - b. "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;
 - c. "Security" means:
 - (1) A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;
 - (2) 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
 - (3) 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;
 - d. "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;
 - e. "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.

4. 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.
5. 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 1-20 of this code.
6. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.
7. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.
8. 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.

Article 2. Operation of Vehicles Generally, Parking and Speeding.

Section 20-27. 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.

Reference: 47 O.S. § 11-101 et seq.

Section 20-28. 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.

Reference: 47 O.S. § 6-101 et seq.

Section 20-29. 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 20-30. 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 20-31. 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 20-32. Drive on Right Side of Roadway; Exceptions.

Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; or
2. When the right half of a roadway is closed to traffic while under construction or repair.

Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand

curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Reference: 47 O.S. § 11-301.

Section 20-33. 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 20-34. 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.

Reference: 47 O.S. § 11-402.

Section 20-35. 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.

Reference: 47 O.S. § 11-941.

Section 20-36. Driving While Impaired or Under the Influence of Intoxicating Liquor or Narcotics.

1. It is unlawful for any person who is under the influence of intoxicating liquor to drive, operate, or be in actual physical control of any motor vehicle within this town.
2. It is unlawful for any person whose ability to drive, operate or be in actual physical control of any motor vehicle is impaired due to consumption of intoxicating liquor or non-intoxicating beverages.
3. It is unlawful for any person who is a habitual user of or under the influence of any narcotic, drug, barbiturate, amphetamine, marijuana, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this town. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such narcotic drug, barbiturate, amphetamine, marijuana, or other drug shall not constitute a defense against any charge of violating this paragraph.

Reference: 47 O.S. § 11-902; Sec 751.

Section 20-37. Driving on Sidewalk.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

Section 20-38. 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 20-39. 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 20-40. 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.

Reference: 47 O.S. § 11-704.

Section 20-41. Seat Belts and Child Passenger Restraints Required.

1. Every operator and front seat passenger of a passenger car operated in this town shall wear a properly adjusted and fastened safety belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this section, "passenger car" shall mean "automobile" as defined in Section 21.1 of Title 47 of the Oklahoma Statutes.
2. Subsection shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system. Subsection shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.
3. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this town shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured seat belt in the rear seat of the motor vehicle. For purposes of this subsection, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this subsection shall not apply to:
 - a. A nonresident driver transporting a child in this state;
 - b. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
 - c. The driver of an ambulance or emergency vehicle;
 - d. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
 - e. The transportation of children who for medical reasons are unable to be placed in such devices.

A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle. A person who violates the provision of this subsection shall not be subject to any criminal penalty. A violation of the provisions of this subsection shall not be admissible as evidence in any civil action or proceeding for damages. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

4. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing any subsection of this section. Any person convicted of violating a subsection of this section shall be punished by a maximum fine of fifteen dollars (\$15.00) and court costs.

Section 20-42. Town Board May Adopt and Enforce Regulations.

1. The Town Board of Trustees is hereby empowered to adopt and enforce regulations necessary to make the provisions of this Chapter and any other traffic or related Ordinances of the Town of Burns Flat, Oklahoma, effective, and to adopt and enforce temporary regulations to cover emergencies or special conditions.

2. No person shall willfully fail or refuse to comply with any lawful order or direction of the Chief of Police, any police officer, fireman or any other authorized municipal employee.

Section 20-43. General Rules for Speed Regulations.

1. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.
2. The driver of every vehicle shall, consistent with the requirements of Subsection 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 20-44. 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 20-45. 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.

No person shall pass any school bus (as defined by State Law) when such bus is stopped for the purposes of discharging or taking on passengers, and is displaying flashing red lights, as required by State Law.

All persons shall stop upon approaching a stopped school bus (as described in Subsection, above), regardless of the direction of said approach.

Section 20-46. Following Too Closely.

The driver of any vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of both vehicles and the traffic upon, and the condition of the roadway.

Section 20-47. Riding or Clinging to Vehicles.

1. No person shall ride upon any vehicle or 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 persons riding within truck bodies in space intended for merchandise.
2. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Section 20-48. 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 20-49. 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 20-50. 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 20-51. Angle Parking Designation.

The board of trustees may determine upon what streets angle parking is permitted and shall direct the marking or signing of the streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. Angle parking, for the purpose of this part, shall mean parking at the curb at approximately a forty five (45) degree angle between the right side of the vehicle and the curb.

Reference: 47 O.S. § 11-1104 (c).

Section 20-52. Obedience to Angle Parking Rules.

1. 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.
2. 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 20-53. Parking Prohibited 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.

Reference: 47 O.S. § 11-1003.

Section 20-54. 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 20-55. Standing in Loading Zone.

1. 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.
2. 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.
3. 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 20-56. 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 20-57. Presumption in Reference to Illegal Parking.

1. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was 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.
2. The presumption in the subsection of this section shall apply only when the procedure as prescribed in this chapter has been followed.

Section 20-58. Handicapped Parking Enforcement on Public or Private Property.

1. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.
2. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable as provided in Section 1-20 of this code.

Reference: 47 O.S. § 15-112.

Section 20-59. Truck and Other Large Vehicle Parking Restrictions.

1. The parking of trucks, truck tractors and trailers and other motor vehicles which exceed a weight limit of two ton, except moving vans, are hereby prohibited from using the streets and alleys of the residential areas of the town.
2. Parking is also prohibited in all residential areas of the town for trucks, truck tractors and trailers and other motor vehicles being used for transport or storage of gasoline and other flammable liquids and trucks being used for transport or storage of liquefied petroleum gas.
3. Truck and/or other truck tractor owner operators who own their own private maintenance shops in the residential area, may use the streets and alleys to travel to and from their shops for maintenance purposes. In addition, for this purpose only, trucks may not be operated on the streets between the hours of 7:00 p.m. and 7:00 a.m.

Section 20-60. Required Position, Method of Turning at Intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway; or
2. Left turns on two-way roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

Reference: 47 O.S. § 11-601.

Section 20-61. Turns and U-Turns.

1. The board of trustees may determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. 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.
2. 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.

Reference: 47 O.S. § 15-102 (a).

Section 20-62. Turning, Stopping Signals Required.

1. 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.
2. 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.
3. No person shall stop or suddenly decrease the speed of a vehicle except upon the giving of a signal of intention, as provided herein, to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal.

Reference: 47 O.S. § 11-604.

Section 20-63. Use of Certain Vehicle Brakes Prohibited:

1. It shall be unlawful and an offense within the town limits for any person, association, corporation, co-partnership, firm or any entity to use vehicle or trailer brakes which create an excessive or unusual noise, including, but not limited to, such as is created by the use of engine of "Jake" brakes.
2. Any person, association, corporation or co-partnership, firm or any entity, who violates any of the provisions hereof shall be deemed guilty of an offense violating this ordinance and upon conviction thereof, shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00) plus court costs.

Article 3. Traffic Signals and Devices.

Section 20-64. 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.

Reference: 47 O.S. § 11-201(a).

Section 20-65. Necessity of Signs.

No provision of the part for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

Reference: 47 O.S. § 11-201(b).

Section 20-66. Interference With Devices, 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.

Reference: 47 O.S. § 11-207.

Section 20-67. Presumption of Legality.

1. 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.
2. 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 20-68. 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 20-69. 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 20-70. 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.

Reference: 47 O.S. § 11-204.

Section 20-71. Driving Within Traffic Lanes.

1. 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.
2. 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:
 - a. A vehicle shall be driven as nearly as practicable entirely within a single lane, and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
 - b. 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
 - c. 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.

Reference: 47 O.S. § 11-309.

Section 20-72. One-Way Streets, Alley Designation.

1. 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.
2. 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.

Reference: 47 O.S. § 11-308 and 15-102(a).

Section 20-73. Designation of Through Streets.

The board of trustees, by motion or resolution, may designate any street or part of a street a through street.

Reference: 47 O.S. § 15-108.

Section 20-74. 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 20-75. Procedures at Stop Signs.

1. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop *sign* shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
2. 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.

Reference: 47 O.S. § 11-403(b), 11-703(d).

Section 20-76. 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.

Reference: 47 O.S. § 11-403(c) 11-703(c).

Article 4. Bicycles.

Section 20-77. 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.

Reference: 47 O.S. § 11-1201.

Section 20-78. 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.

Reference: 47 O.S. § 11-1202.

Section 20-79. 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 20-80. 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.

Reference: 47 O.S. § 11-1203.

Section 20-81. Use Right Side of Roadway.

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Section 20-82. 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 20-83. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 20-84. Riding on Sidewalks.

Bicycles may not be ridden upon any sidewalk within the town.

Article 5. Impoundment of Vehicles.

Section 20-85. 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.

Reference: 47 O.S. § 11-955, 954A.

Section 20-86. 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 20-87. Duration of Impoundment.

1. 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.
2. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

Section 20-88. 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 20-89. Disabled Vehicles.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard; or
3. When any derelict vehicle is discovered by the Police Department to have been parked upon any street in the Town of Burns Flat, Oklahoma, for a period of seventy-two (72) hours, or more, the Police Department is authorized to impound the vehicle, and if the owner of the vehicle may be ascertained by reasonable diligence, the owner shall be notified of the action by the Police Department.

Section 20-90. 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 20-91. 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 20-92. Vehicle Constitutes Traffic Hazard.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

Section 20-93. Illegal Trespass by Vehicle.

1. 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.
2. 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.
3. 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 20-94. 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 20-95. 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 20-96. 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 20-97. Stolen Vehicles Recovered by Police.

1. 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.
2. 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 20-98. 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 20-99. 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.

Article 6. Penalty.

Section 20-100. Penalty.

Any person, firm or corporation who violates any provision of this Chapter, performs any unlawful act as defined in this Chapter or fails to perform any act required in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-20 of this Code. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 21

TRANSPORTATION

- Article 1. Railroads.
- Article 2. Miscellaneous Provisions.
- Article 3. Penalty.

Article 1. Railroads.

Section 21-1. Railroads to Improve Certain Streets and Alleys.

1. When a railway occupies or crosses any portion of a street with its tracks either on or adjacent thereto, the railroad company shall improve as much of the street as is occupied by its tracks and two (2) feet on either side thereof, in a manner satisfactory to the Town Board of Trustees.
2. Whenever a railroad company crosses or occupies an alley with its tracks, such company shall improve, drain, grade and/or pave such alley, in order to eliminate problems created by the presence of its tracks.
3. When more than one (1) track crosses a street within a distance of one hundred (100) feet (measuring from inside rail to inside rail), the railroad company shall grade, drain and curb the street area between its tracks and surface, in a manner satisfactory to the Town Board of Trustees.
4. Railroad companies shall keep all such improvements made by them in good state of repair at all times.

Section 21-2. Climbing on Trains.

1. It shall be unlawful for any person to climb upon, hold to, or in any manner attach himself to, any train or railroad car, while such is in motion within the Town of Burns Flat, Oklahoma, unless such person is acting in the line of duty.
2. It shall also be unlawful to board any train or railroad car (passenger, freight or other) without a proper ticket or the permission of the person in charge of the train or railroad car, or not in the line of duty.

Section 21-3. Speed of Trains.

It shall be unlawful for any person to operate or drive a train or railroad car(s) at a speed greater than twenty-five (25) miles per hour within the corporate boundaries of the Town of Burns Flat, Oklahoma.

Section 21-4. Loitering on Railroad Premises.

It shall be unlawful for any person not acting within the line of duty, not having any proper business or not being on any proper mission requiring his presence there, to loiter anywhere within a railroad yard or upon other railroad premises.

Section 21-5. Blocking of Streets by Trains.

It shall be unlawful for the operator of any train to block any street intersection within the corporate boundaries of the Town of Burns Flat, Oklahoma, at any time, for more than five (5) minutes; provided that this shall not apply to cars in motion, other than those engaged in switching.

Sections 21-6 through 21-19. (Reserved for future use.)

Article 2. Miscellaneous Provisions.

Sections 21-20 through 21-29. (Reserved for future use.)

Article 3. Penalty.

Section 21-30. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by fine and costs as provided in Section 1-20 of this Code. Each day's continuation of any such violation shall be deemed a separate offense.

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