

**CITY OF
BLANCHARD

MUNICIPAL
CODE OF
ORDINANCES

2019**

***Amended By
Resolution No. 2020-01
28 January 2020***

RESOLUTION NO. 2020-01

A RESOLUTION DIRECTING THE FILING AND NOTIFICATION OF THE PUBLICATION OF THE 2019 SUPPLEMENT TO THE BLANCHARD CODE OF ORDINANCES.

WHEREAS, the City Manager of the City of Blanchard has prepared the 2019 Supplement to the City's Code of Ordinances containing all ordinances adopted by the City Council from January 1, 2019 to December 31, 2019, to the date of such supplement; and

WHEREAS, the City is required to publish its supplement and code of compiled penal ordinances and to deposit a copy with the County Law Library pursuant to Sections 14-109 and 14-110 of Title 11 of the Oklahoma Statutes; and

WHEREAS, the City is required to adopt a resolution notifying the public of the publication of its' supplements to the Code pursuant to Section 14-110 of Title 11 of the Oklahoma Statutes and to file a copy of the Resolution in the Office of the County Clerk; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Blanchard:

THAT the public is hereby notified of the publication of the 2019 Supplement to the City's Code of Ordinance and that copies of the Code as supplemented are available for review in the office of the City Clerk; and

THAT the City Clerk shall cause one copy of this Resolution and one copy of the 2019 Supplement to the Code to be filed with the office of the County Clerk of McClain County and Grady County; and

THAT the City Clerk shall cause one copy of this Resolution and one copy of the 2019 Supplement to the Code to be filed with the Law Library of McClain County and Grady County; and

THAT the City Clerk shall keep at least one copy of the Blanchard Code of Ordinances as supplemented in the office of the City Clerk for public use, inspection and examination.

ADOPTED and **APPROVED** on this 28th day of January, 2020, by the City Council of the City of Blanchard, at a public meeting held in compliance with the Oklahoma Open Meeting Act.

Eddie Odle

Mayor

ATTEST: **(Seal)**

Brenda Baird

Interim City Clerk

CITY COUNCIL:

Eddie Odle, Mayor, At Large

Jim Cloud, Councilman, Ward One

Michael Scalf, Councilman, Ward Two

Matt Alexander, Vice Mayor, Ward Three

Steve Misenheimer, Councilman, Ward Four

CITY STAFF:

Robert L. Floyd, City Manager

David L. Perryman, City Attorney

Brenda Baird, Interim City Clerk

Daniel Ofsthun, City Treasurer/Finance Director

Charlie Largent, Fire Chief

Stacey White, Police Chief

Allen Challender, Acting Public Works Director

Randy Brink, Municipal Judge

Ryan Conner, City Planner

Chris Wittenbach, Parks Director

31 December 2019

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3. **ANIMALS**
4. **BUILDING AND CONSTRUCTION**
5. **BUSINESS AND OCCUPATIONS**
6. **CIVIL DEFENSE**
7. **FIRE PREVENTION**
8. **GENERAL AND MISCELLANEOUS PROVISIONS**
9. **HEALTH AND SAFETY**
10. **MANUFACTURED, MOBILE AND MODULAR HOUSING**
11. **MUNICIPAL COURT**
12. **HEALTH AND SANTITATION**
13. **MISCELLANEOUS PROVISIONS & OFFENSES**
14. **OIL AND GAS DRILLING**
15. **PLANNING AND COMMUNITY DEVELOPMENT**
16. **PUBLIC FACILITIES AND UTILITIES**
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18. **TRAFFIC**
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ARTICLE 1

INCORPORATION; FORM OF GOVERNMENT; POWERS

- § 1-101 Incorporation.
- § 1-102 Form of government.
- § 1-103 General powers of the municipality.

§ 1-101 INCORPORATION.

The city of Blanchard, 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 "city of Blanchard, Oklahoma." It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the city of Blanchard, Oklahoma, and shall be liable for all debts and other obligations for which the corporation is now legally bound.

State Law Reference: O.S. 11 §2-101 et seq.

§ 1-102 FORM OF GOVERNMENT.

The municipal government provided for the city of Blanchard, Oklahoma, shall be the statutory "council-manager" 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.

State Law Reference: O.S. 11 §10-101 et seq.

§ 1-103 GENERAL POWERS OF THE MUNICIPALITY.

1. The city of Blanchard, 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 city of Blanchard, 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 prevention, summary abatement and removal of nuisances, and otherwise 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 city of Blanchard, Oklahoma, shall have all powers which, under the state constitution and laws, it would be competent for this code of ordinances specifically to enumerate.

ARTICLE 2

CITY COUNCIL

- § 1-201 Election and terms of council members and officers.
- § 1-202 Powers of the city council.
- § 1-203 Municipal policy and business.
- § 1-204 City council meetings.
- § 1-205 Removal of council members; vacancies.

§ 1-201 ELECTION AND TERMS OF COUNCIL MEMBERS AND OFFICERS.

1. The city council shall consist, and be composed of, five (5) persons: a council member from each of the city's four (4) wards, and one (1) council member at large.

2. The terms of council members shall be staggered, so that, at any one (1) general municipal election, the council members from wards one (1) and two (2) are to be elected for four (4) year terms; and at the next general municipal election, the council members from wards three (3) and four (4) and the council member at large are to be elected for four (4) year terms.

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

§ 1-202 POWERS OF THE CITY COUNCIL.

1. 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 city council; said city council shall have, and may utilize, all of the powers granted to the municipality and said city council by the state constitution and laws.

2. The city council shall appoint the city manager for an indefinite term, by a majority vote of all of its members; the city council may also suspend or remove the city manager by a majority vote of all of its members.

3. The relationship between the city council and the city manager shall be as prescribed by applicable provisions of Title 11 of Oklahoma Statutes.

§ 1-203 MUNICIPAL POLICY AND BUSINESS.

1. The city council of Blanchard, Oklahoma, shall 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 city of Blanchard, Oklahoma.

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 city of Blanchard, Oklahoma.

3. Every city council member 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 city council members present, or unless he is directly or indirectly interested in the question, in which event he shall disclose his interest to the city council and it shall be made a matter of record.

§ 1-204 CITY COUNCIL MEETINGS.

1. Municipal business shall be conducted at regularly-scheduled open and public meetings held in the city hall (or another agreed upon place which is open to the public), on the date and at the time as determined by the city council. Said determination shall be made and notice of said determination given all as required by Title 25, Oklahoma Statutes, §310 et seq.

2. Special or emergency city council meetings may be called by the mayor, or by a majority of the council members, upon the serving of notice, as required by current state law.

3. The city council shall establish, by motion or resolution, an order of business for the conduct of its meetings. (Ord. No. 1988-06, 12/6/88; Ord. No. 1996-03, 12/10/96)

§ 1-205 REMOVAL OF COUNCIL MEMBERS; VACANCIES.

1. The mayor or any council member may be removed from office for any cause specified by, and by the methods prescribed and specified by, applicable state law for the removal of officers, including Title 22, Oklahoma Statutes, 1981, §§1181, et seq., as amended.

2. Whenever a member of the municipal governing body is absent from more than one-half of all meetings of the governing body, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

3. Vacancies in the membership of the city council shall be filled according to applicable provisions of state law. (Ord. No. 616, 7/28/15)

ARTICLE 3

MUNICIPAL PERSONNEL

- § 1-301 Mayor; vice-mayor.
- § 1-302 City manager; acting city manager.
- § 1-303 City clerk.
- § 1-304 City treasurer/treasurer of the BMIA.
- § 1-305 Police department; chief of police; unclaimed property; mutual aid.
- § 1-306 Reserve police organization.
- § 1-307 Municipal judge; alternate and acting judges.
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- § 1-319 Zoning board of adjustment.
- § 1-320 Preservation review commission.
- § 1-321 Personnel board (reserved).
- § 1-322 Park board.
- § 1-323 Fair housing board created.
- § 1-324 Municipal board of health; health official.
- § 1-325 Municipal departments.
- § 1-326 Attendance at board, committee or trust meetings by members; removal.

§ 1-301 MAYOR; VICE-MAYOR.

1. The city council shall elect one (1) of its members as mayor and one (1) as vice-mayor. The mayor and vice-mayor shall be elected in each odd-numbered year, at the first council meeting held after the council members'

terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.

2. When a vacancy occurs in the office of mayor, the vice-mayor shall become the mayor for the duration of the unexpired term. When a vacancy occurs in the office of vice-mayor, the city council shall elect another vice-mayor from among its members for the duration of the unexpired term.

3. The mayor shall preside at all meetings of the city council and may call special meetings thereof.

4. The mayor shall certify to the correct enrollment of all ordinances and resolutions passed by the city council. The mayor shall have all the powers, rights, privileges, duties and responsibilities of a council member, and may vote on all matters that come before the city council.

5. The mayor shall be recognized as the head of the municipal government for all ceremonial purposes and by the governor for purposes of military law.

6. The vice-mayor shall act as mayor during the absence, disability or suspension of the mayor.

7. The mayor and vice-mayor shall perform all other duties prescribed by state law or ordinance.

§ 1-302 CITY MANAGER; ACTING CITY MANAGER.

1. The city manager shall be appointed by a majority vote of the city council, for an indefinite term.

2. The city manager shall be selected on the basis of his executive and administrative qualifications.

3. At the time of appointment, the city manager need not be a resident of the city or state; but during the tenure of holding office, the city manager shall reside within the boundaries of the city of Blanchard, Oklahoma, the school district or districts that overlap the city boundaries, or within ten (10) miles of the city or school district.

4. The city manager may appoint himself, or the city council or other authority may appoint or elect him, to other offices and positions in municipal government (subject to such regulations as may be prescribed by ordinance), but he may not receive compensation for service in such other offices or positions.

5. Neither the mayor nor any city council members may be appointed city manager during the term for which they shall have been elected, nor within two (2) years after the expiration of their term.

6. The city council may suspend or remove the city manager (or acting city manager), at any time, by a majority vote of all of its members.

7. The city manager may appoint a qualified municipal administrative officer to be acting city manager during the temporary absence or disability of the city manager, by filing a letter of appointment with the city clerk.

8. The city council may appoint an acting city manager if the city manager fails to make such a designation, if the city council suspends the city manager, or if at any time there is a vacancy in the office of city manager. (Ord. No. 2012-01, 1/24/12)

§ 1-303 CITY CLERK.

The city clerk shall be an officer of the city, appointed by the city manager for an indefinite term. The city clerk shall serve as clerk for the council. Subject to regulations the council may prescribe, the city clerk shall:

1. As clerk to the governing board:
 - a. Shall attend all meetings of the city council and Blanchard Municipal Improvement Authority.
 - b. Shall keep a minute book, recording all proceedings of the city council and board of trustees of the Blanchard Municipal Improvement Authority.
 - c. Shall enroll all ordinances and resolutions passed by the council in a book or set of books kept for that purpose.
 - d. Shall have custody of documents, records and archives, as may be provided by law or by ordinance and have custody of the seal of the city.
 - e. Shall attest and affix said seal to documents as required by law or ordinance, and shall see that all ordinances passed are kept on file, in triplicate, in the office of the city clerk.
 - f. Shall be responsible for incoming and outgoing mail.
 - g. Shall be the service agent of process for the city.

- h. Shall be the custodian of the comprehensive city plan.
 - i. Shall keep copies and maps of the city plan.
 - j. Shall be the custodian of the rules and regulations of the planning commission.
 - k. Shall have such other powers, duties and functions related to his/her statutory duties as may be prescribed by law.
2. As administrative official:
- a. Shall be an administrative assistant to the city manager.
 - b. Shall perform secretarial duties for city manager, public works director, various boards of city government.
 - c. Shall receive, receipt for and record income.
 - d. Shall issue licenses, building permits, prepare reports for the U.S. Department of Labor, Census Bureau, FEMA, Alcoholic Beverage Control Board, State Firefighters Pension Board and other government agencies as required.
 - e. Shall assist the city manager in contracting for insurance, services, preparation of bids, ordinances and legal notices.
 - f. Shall answer telephone, receive visitors to city hall and direct to proper person.
 - g. Shall be clerk to municipal court, recording citations issued, preparation of docket receipt and recording of fines and bonds, collect and record same, prepare report for CLEET, correspondence and telephone calls regarding municipal court business, attend municipal court sessions, record disposition of cases, file records of court locally and with the department of public safety.
 - h. Shall order cleaning and office supplies.
 - i. Shall perform any other duties as requested by the city manager. (Ord. No. 1988-05, 8/2/88)

§ 1-304 CITY TREASURER/FINANCIAL OFFICER.

The city treasurer/financial officer shall be an officer of the city, appointed by the city council for an indefinite term. The treasurer of the Blanchard

Municipal Improvement Authority shall be an officer of the Blanchard Municipal Improvement Authority appointed by the trustees of the Blanchard Municipal Improvement Authority for an indefinite term.

The same person shall fill the positions of treasurer of the city and of the Blanchard Municipal Improvement Authority.

The treasurer of the city and of the Blanchard Municipal Improvement Authority shall perform those services and duties set forth under the statutes of the state of Oklahoma and the code of ordinances of the city of Blanchard, to-wit:

1. Deposit daily funds received for the city and the BMIA in depositories as the city council or the board of trustees of the Blanchard Municipal Improvement Authority may designate.

2. Such other duties and services as may be delegated to the treasurer by the city council or by the board of trustees of the Blanchard Municipal Improvement Authority. (Ord. No. 2009-12, 10/22/09)

§ 1-305 POLICE DEPARTMENT; CHIEF OF POLICE; UNCLAIMED PROPERTY; MUTUAL AID.

1. There is hereby created a police department for the city of Blanchard, Oklahoma, the head of which shall be the chief of police. The chief of police shall be appointed by, and may be removed by, the city manager. His term of office shall be indefinite. The chief of police will not be required to live within the municipal city limits of Blanchard. The chief of police must demonstrate the ability to respond to the city of Blanchard within thirty (30) minutes upon notification, as his/her duties may require.

2. One or more police officers may be appointed by, and removed by, the city manager.

3. The chief of police and all police officers shall possess the powers, and be subject to the liabilities possessed and conferred by law upon Sheriffs, in executing the orders of the city council members or enforcing the code of ordinances of the city of Blanchard, Oklahoma.

4. It shall be the duty of the chief of police and/or all police officers to bring to justice all violators of municipal ordinances and federal and state laws, and to turn such violators over to the proper authorities. The chief of police shall serve all warrants, writs, executions and other process, properly directed and delivered to him.

5. It shall be the duty of the chief of police to divide the city into suitable beats and make assignment of the members of the department to the respective beats, in such a manner that the city shall have at all times adequate and effective police protection.

6. The primary offices of the police department shall be maintained at all times at headquarters to receive calls for service and to provide immediate service.

7. It shall be the duty of each member of the police department to observe and report conditions of the streets, avenues and alleys, when the same may be in need of repair or when the conditions of the same may result in some injury or damage to any person or property.

8. The department shall maintain a record of motor vehicle accidents, giving the names of the parties, the kind of cars or vehicles with highway license numbers, the date of the accident and the resulting damages or injuries, if any.

9. In any case of negligence or violation of ordinances for which punishment is provided, it shall be the duty of the attending officer to make a proper arrest and file a complaint, as provided by ordinance.

10. Each member of the police department shall report any conditions of property adjoining any street, avenue or alley which is a public nuisance or a danger to the public safety.

11. The police department shall maintain records of detection and identification and give aid to State and Federal officers in apprehending and arresting criminals.

12. Letters, photographs and other information descriptive of escaped prisoners or accused criminals shall at all times be classified and filed in a condition for immediate use.

13. It shall be the duty of each and every policeman to acquaint himself with all streets, alleys, highways, buildings of major importance and public officials and to give information to the public on such matters when requested.

14. The chief of police and each police officer shall be paid such compensation as the city council may prescribe by motion or resolution.

15. All personal property coming into the possession of any police officer, which has been found, stolen or taken off the person, or out of the possession of, any prisoner or person suspected of, or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be delivered into the charge of the chief of police, who shall make a

permanent, written record of said property, including the date and circumstances of the receipt thereof, the name of the person from whom it was taken (or the place where it was found), the subsequent disposal thereof, the date of sale, name and address of the purchaser, and the amount for which it was sold.

16. Any personal property (other than animals) which remains unclaimed and in the possession of the chief of police, or the ownership of which is not satisfactorily established to him for a period of thirty (30) days, shall be sold and the proceeds of the sale paid over to the city treasurer, who shall issue his receipt therefore and deposit the same to the credit of the general fund of the municipality, except for such personal property as in the opinion of the city manager can be more advantageously used by some department or office of the municipal government. Ten (10) days before a sale of such unclaimed property, the chief of police shall have posted in a conspicuous place in the city hall, notice of the time, place and manner of such sale, including the general description of the property to be sold. If, in the opinion of the city manager, all or any portion of the personal property may be more advantageously used in any municipal department or office, he shall so instruct the chief of police in writing and said Police chief shall thereupon deliver the designated property to that department or office of municipal government and make a permanent record of its disposition.

17. Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the chief of police shall sell the property as if it had been found by a public official or employee, or, on the instruction of the city manager, deliver it to some department for its use.

18. If any property is sold as herein provided, and the owner thereof takes and recovers possession of the same from the purchaser, the amount paid therefore shall be returned to the purchaser, upon verified claim being submitted and approved by the city council.

19. The personal property of a deceased person shall be delivered only to the next of kin of such person or to the legally-appointed representative of his estate. If the personal property is claimed by the legally-appointed representative of the estate of the deceased, a certified copy of the order of the county court appoint such person shall be deemed sufficient authority to support the claim. If the personal property is claimed by the next of kin, the claimant shall furnish an affidavit to the effect that he is the person entitled to possession of said property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of

ninety (90) days, it shall be disposed of in the appropriate manner provided in this section.

20. The chief of police, or his designated representative, is authorized to direct that any regularly employed police officers of the city of Blanchard, Oklahoma, may provide law enforcement assistance to another municipality in an emergency; provided, that a written request from an official representative of the other municipality has been received and approved by the city manager or mayor.

21. While serving in said capacity (above), the city of Blanchard, Oklahoma, shall provide salaries, insurance and other regular benefits to these officers.

22. The city manager, mayor or police chief of the city of Blanchard, Oklahoma, is also 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 city of Blanchard, Oklahoma; however, salaries, insurance and other benefits shall not be paid by the city of Blanchard, Oklahoma.

23. In all events, the police officers of the city of Blanchard, Oklahoma, shall return to their regular duties when directed to do so by the Blanchard police chief or the police chief of the requesting municipality, whichever direction occurs first.

24. When the Blanchard police chief or city manager shall direct, the assisting police officers of the other Municipalities shall return to their own regularly-scheduled duties in their own municipalities, and those assisting police officers shall cease to have the powers and duties of police officers regularly employed by the city of Blanchard, Oklahoma.

25. The chief of police and each police officer shall perform all other duties prescribed by law or ordinance. (Ord. No. 1993-01, 5/19/93; Ord. No. 2009-06, 4/28/09)

§ 1-306 RESERVE POLICE ORGANIZATION.

1. There is hereby created for the city of Blanchard, Oklahoma, a reserve police organization.

2. Any applicant for membership in the reserve police organization must be of reasonable health and character. Members of the reserve police organization shall be selected by the chief of police with the approval of the city manager. After such appointment, all new members shall be on probation for a period of one year.

3. Reserve officers, defined as members of the reserve police organization having certification and having completed the probationary period, shall be recognized as having the same police powers as a full-time police officer. At the written discretion of the city manager and the chief of police, they may be allowed to function as a single police officer in enforcing the laws and code of ordinances of the city of Blanchard, Oklahoma.

4. Such reserve officers must meet the minimum requirements of §3311 of Title 70 of the Oklahoma Statutes.

5. A reserve police officer shall serve on a part-time basis and shall perform his duties only while on authorized duty. A reserve police officer shall not serve on authorized duty more than twenty-five (25) hours per calendar week.

6. The chief of police may appoint a regular full-time police officer or other person to be the liaison for the reserve officers. This appointment may be changed or terminated at the discretion of the chief of police. The chief of police shall appoint a qualified reserve officer within the reserves to assist him in the operation of the police reserves. This officer shall have the title of "reserve commander". The reserve commander or his assistant(s) will handle all work schedules, training classes or other special assignments of reserve officers. Probationary reserve officers, defined as members of the reserve police organization lacking certification and still within the probationary period of one year, shall have limited duties and powers. They shall not be allowed to function as a single officer, but must always be in the presence or control of a full-time police officer or a "certified reserve officer" (C.R.P.O.) as defined in the "reserve officer's training program".

7. There shall be two (2) regular meetings and/or drills each month to be held on the first and third Tuesday. All members of the reserve police organization are to be present at these scheduled meetings. Any member who misses two (2) consecutive meetings without being excused by the officer-in-charge, shall automatically be removed from the rolls. Any member who misses twenty-five (25%) percent of the meetings, drills or schools in a one year period running from January 1st to December 31st, shall be removed from the rolls. A member who has been removed from the rolls due to a violation of the attendance policy stated in this subsection may appear to the members at the next regular meeting for reinstatement. Reinstatement shall be determined by a majority vote of members present at the meeting. Any member who refuses to attend training classes will be removed from the rolls without benefit of appeal.

8. Any member of the police reserves may be removed from the rolls by the chief of police, at any time, without cause.

9. The reserve organization can be dissolved only by authority of the city council, acting by ordinance. (Ord. No. 1990-05, 3/20/90; Ord. No. 1998-06, 4/14/98)

§ 1-307 MUNICIPAL JUDGE; ALTERNATE AND ACTING JUDGES.

1. There shall be one (1) judge of the municipal court and he shall be appointed by the mayor, with the consent of the city council.

2. The municipal judge shall be at least twenty-five (25) years of age, a resident of the city of Blanchard, Oklahoma (unless he is a licensed attorney, in which case he must resident within McClain County or an adjoining county) have a high school education (or the equivalent) and be of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as a municipal judge or arising out of facts which give rise to, or are connected with, cases within the jurisdiction of the court pending therein or which might become the subject of proceedings therein.

3. 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 exceeding the amount permitted by state law for the same offense or as otherwise provided by state law or this code, but may not order the defendant imprisoned, except for the nonpayment of fines or costs.

Ed. Note: see also §8-301 and chapter 11 of this code of ordinances.

4. The official term of the municipal judge shall be two (2) years, expiring on the 15th day of June, in each even-numbered year. The municipal judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified.

5. The judge of the municipal court shall receive a salary as prescribed by the city council, paid in the same manner as the salaries of other municipal employees.

6. 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.

7. There may be appointed an alternate judge of the municipal court, possessed of the same qualifications as the municipal judge, as set out in subsection 2, hereinabove.

a. 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 in any case if the municipal judge is absent from the court or unable to act as municipal judge in a case.

- b. If, at any time, there is not a municipal judge or alternate judge, duly appointed and qualified, available to sit as municipal judge, the city council 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.
- c. An alternate judge or an acting judge shall be paid, as prescribed by the city council, 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 city council as the salary of the municipal judge in whose stead he sits.

8. Judges shall be subject to removal from office by the city council, for the causes prescribed by the state constitution and laws for the removal of public officers. Provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, Oklahoma Statutes, §§308-317 and any amendments or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder so far as they can be made applicable.

9. 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 shall appoint a successor to complete the unexpired term, using the same procedure as for an original appointment. (Ord. No. 1990-06, 7/10/90)

§ 1-308 CITY ATTORNEY.

1. The city attorney shall be appointed by the city manager, on a contractual basis, for an indefinite term; the city attorney may be removed by the city manager.

2. It shall be the duty of the city attorney to give legal advice on questions submitted to him by the city manager and/or city council, when the subject matter concerns the powers of any municipal officials or employees, or the performance of their duties.

3. The city attorney shall draw such ordinances, resolutions, notices, forms, leases, deeds, papers or other documents as may be required of him by the city council.

4. The city attorney shall be authorized to appear, prosecute and defend all actions wherein the city of Blanchard, Oklahoma, is a party, and he shall institute proceedings in courts of law upon the order of the city council.

5. The city attorney shall be allowed actual and necessary traveling and hotel expenses while outside the city of Blanchard, Oklahoma, and on official business for said city; provided, that, his business has been approved and directed by the city council.

6. The city attorney shall perform such other duties as the city council may require; provided, that, such duties are included within the scope of the contractual arrangement.

7. The city attorney shall be the head of the department of law.

§ 1-309 **FIRE CHIEF.**

1. There is hereby created the office of chief of the fire department, who shall be appointed by the city manager, for an indefinite term.

2. Duties of the fire chief shall include:

- a. The fire chief shall have supervision and control of the fire department, subject to the state law, the provisions of this chapter, the city manager, other ordinances of the municipality and the city council; he shall diligently perform the duties imposed upon him by law and ordinance;
- b. The fire chief shall be held responsible for the general condition and efficient operation of the fire department and the training of members, and may assign duties to other members of said department;
- c. The fire chief shall inspect, or cause to be inspected by members of the department, the fire hydrants and water supply sources of the city at least once each year;
- d. The fire chief should maintain a library or file of publications on fire prevention and fire protection;
- e. The fire chief should attend all fires and direct and have complete charge of the officers and members of the fire department in the performance of their duties;
- f. The fire chief should ensure that the city manager and the city council, as well as the municipality's citizens are kept informed on

fire hazards in the community and on the activities of the fire department;

- g. The fire chief shall see that each fire is carefully investigated to determine its cause and, in the case of incendiarism, shall notify proper authorities and secure and preserve all possible evidence for future use in the case; and
- h. The fire chief shall see that complete records are kept of all fires, inspections, apparatus, equipment, personnel and other information about the work of the fire department.

Ed. Note: see chapter 7, this code of ordinances.

§ 1-310 ASSISTANT FIRE CHIEF; OTHER OFFICERS.

1. The assistant chief of the fire department shall be appointed by the city manager. 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.

2. The officers of the fire department shall be selected by the city manager upon their ability to lead men and their knowledge of fire-fighting and fire-fighting equipment.

3. One 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.

Ed. Note: see chapter 7, this code of ordinances.

§ 1-311 MUNICIPAL BUILDING INSPECTOR.

1. There is hereby created the office of municipal building inspector for the city of Blanchard, Oklahoma. The municipal building inspector shall be appointed by the city manager. His appointment shall continue, during good behavior and satisfactory service and he shall not be removed from office except for cause, after full opportunity has been given him to be heard on specific charges.

2. The municipal 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 municipal building Inspector shall be as follows:

- a. To enforce all provisions of the codes adopted by this code of ordinances;
- b. To receive and process applications required by such codes or this code of ordinances;
- c. To review building permit applications, other permit applications and issue required certificates;
- d. To examine premises for which permits have been issued under such codes or this code of ordinances and make necessary inspections to see that the provisions of the codes or this code of ordinances are complied with and that construction is done safely;
- e. To investigate, when requested by the city manager or city council, or when the public interest so requires, matters referred to in such codes and render written reports on the same;
- f. To issue such notices or orders as may be necessary to enforce compliance with the adopted codes or this code of ordinances, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures; and
- g. To make inspections required under the provisions of the codes adopted by this code of ordinances, or to ensure that inspections are made by his duly appointed assistant.

4. During the temporary absence or disability of the municipal building inspector, the city manager may designate an acting building inspector; the city clerk-treasurer may serve as acting Building Inspector, unless the city manager designates another person as such.

5. The municipal building inspector, while in the discharge of his official duty, shall have the authority to enter any building or premise for the purpose of making any inspection or test of the construction or equipment contained therein or its installation.

6. The municipal building inspector may also serve as the electrical or plumbing inspector, if so designated by the city manager.

Ed. Note: see chapter 4, this code of ordinances.

§ 1-312 ELECTRICAL INSPECTOR.

1. There is hereby created the office of electrical inspector for the city of Blanchard, Oklahoma. The electrical inspector shall be appointed by the city manager.

2. The electrical inspector shall meet all state requirements, shall have had experience as an electrician, shall be of good moral character and shall be knowledgeable of the approved methods of electrical construction.

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 ensure that all municipal ordinances and regulations relating to electrical safety are properly enforced.

Ed. Note: see chapter 4, this code of ordinances.

§ 1-313 PLUMBING INSPECTOR.

1. There is hereby created the office of plumbing inspector for the city of Blanchard, Oklahoma.

2. The plumbing inspector shall be appointed by the city manager; 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.

Ed. Note: see chapter 4, this code of ordinances.

§ 1-314 PUBLIC WORKS DIRECTOR.

1. There is hereby created the office of public works superintendent for the city of Blanchard, Oklahoma, and the Blanchard Municipal Improvement Authority (BMIA).

2. He shall have charge of the maintenance and operation of all municipal utilities and perform such duties in connection therewith as are required of him by the city manager, city council and board of trustees of the Blanchard Municipal Improvement Authority (BMIA).

3. The public works superintendent shall have no power to incur any expenditure, unless the same shall be authorized and approved by the city

manager, city council and the board of trustees of the Blanchard Municipal Improvement Authority (BMIA). (Ord. No. 1990-03, 2/13/90)

Ed. Note: see also §1-325 and chapter 16, this code of ordinances.

§ 1-315 ANIMAL CONTROL OFFICER.

1. The city manager shall appoint a person or persons to serve as the animal control officer(s) for the city of Blanchard, Oklahoma; said officer(s) shall be appointed for an indefinite term, and may be removed by the city manager.

2. The salary of the animal control officer(s) shall be established by the city manager, unless a contractual fee system, related to enforcement activities, is proposed; in the latter case, said contract shall be approved by majority vote of the city council.

§ 1-316 EMERGENCY MANAGEMENT DIRECTOR.

1. The office of emergency management director is hereby appointed by the city manager, for an indefinite term, as an additional duty for a city of Blanchard employee and setting such compensation as deemed appropriate by the city manager.

2. The director of emergency management shall be the executive head of the department of emergency management and shall be responsible for carrying out the emergency management program of the city of Blanchard, Oklahoma.

3. The emergency management director shall have the responsibility to:

- a. Form an organization to prepare and implement an emergency management program;
- b. Form committees to perfect such an organization;
- c. Appoint the chairman of such committees;
- d. Cooperate with other government emergency management agencies;
- e. Formulate plans, gather information and maintain records for the emergency management department; and
- f. Ensure that employees of the city of Blanchard gain and maintain compliance with current National Incident Management System (NIMS) requirements.

4. In the event of an enemy-caused emergency or emergency resulting from natural causes, the emergency management director, after authorization from the mayor, shall have the authority to enforce all regulations relating to emergency management, for the purpose of protecting the residents of the city of Blanchard. (Ord. No. 1997-08, 10/16/97; Ord. No. 2009-08, 5/12/09)

§ 1-317 **EMERGENCY MANAGEMENT ADVISORY COMMITTEE.**

1. The emergency management advisory committee shall consist of the mayor, who shall serve as committee chairman, and five (5) members appointed by the mayor, with the approval of the city council. Said members shall serve at the pleasure of the city council.

2. The emergency management advisory committee shall select from its members a vice-chairman and a secretary.

3. The emergency management advisory committee shall hold such meetings as are directed by the mayor or the city council.

4. The function of the emergency management advisory committee shall be to act in an advisory capacity to, and as needed or requested by, the mayor or the city council.

§ 1-318 **MUNICIPAL AND REGIONAL PLANNING COMMISSION.**

1. There is hereby created a municipal planning commission of the city of Blanchard, Oklahoma, to be composed of at least five (5) voting members. The mayor, the city manager and the city clerk shall serve as ex-officio members of said commission, without voting powers. (see chapter 15, this code of ordinances.)

2. Upon the initial appointment of members to the municipal planning commission, the mayor shall designate one (1) member of the municipal planning commission to serve for a period of one (1) year, two (2) members to serve for a period of two (2) years, and two (2) members to serve for a period of three (3) years. All subsequent appointments of members shall be for a three (3) year term, and until their successors are appointed and qualified.

3. The members of the municipal planning commission shall be nominated for appointment by the mayor and confirmed by the city council, shall be residents of the city of Blanchard, Oklahoma, and shall serve without salary.

4. Members of the municipal planning commission may be removed by the city council for inefficiency, neglect of duty, malefaction in office or other cause established by resolution of the city council; vacancies occurring

other than through the expiration of a term shall be filled only for the unexpired term by the city council.

5. Within five (5) days of the appointment and qualification of the members of the municipal planning commission, said commission shall meet and elect one of their number as chairman, one as vice-chairman and one as secretary; in addition, the municipal planning commission may create and fill such other offices as it may deem necessary. The term of all such offices shall be one year, with eligibility for re-election.

6. There is hereby created a regional planning commission as an entity of the city of Blanchard, Oklahoma. The municipal planning commission for said city shall also serve as the regional planning commission, in order to avail itself of the powers of state law. The mayor of the city of Blanchard, Oklahoma, and the chairman of the McClain County Board of Commissioners shall be ex-officio members of said regional planning commission, to serve without voting powers.

§ 1-319 ZONING BOARD OF ADJUSTMENT.

1. A zoning board of adjustment is hereby created. Said board of adjustment shall consist of five (5) members, appointed by the city council. No members of the city council or the municipal planning commission may be appointed or serve as members of the zoning board of adjustment. The term of the members thereof and the filling of vacancies therein shall be as set by the city council. The zoning board of adjustment shall adopt rules in accordance with the provisions of this section or any amendment thereto. Meetings of the zoning board of adjustment shall be held at the call of the chairman and at such times as such board may determine. All meetings of the board of adjustment shall be open to the public.

The board of adjustment, shall keep minutes of its proceedings, show the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and become a public record.

2. The zoning board of adjustment, shall have the following powers:
 - a. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the city clerk, municipal building inspector, or other administrative official;
 - b. To hear and decide special exceptions to the terms of the zoning or other ordinances upon which the board of adjustment is required to pass; and

- c. To authorize, upon appeal in specific cases, variances from the terms of such ordinances as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, so that the spirit of the ordinances will be observed and substantial justice done.

3. The BOA is a quasi-judicial body with authority to decide the rights of individual parties, subject to the requirements of state law and the Land Development Code. In deference to its decision-making role, no one other than city staff may contact a board member outside of a public hearing regarding a matter that is pending, or may in the future be pending, before the board. All communications of the board outside of a public hearing shall be directed to the city manager or city planner.

4. Limitations on outside investigations. Member shall not individually investigate cases before the board, other than routine site visits.

5. Disqualifications. A BOA member that receives material information regarding a case that is not made available to other board members is disqualified from participating in the case unless the member publicly discloses the information and its source at the earliest reasonable opportunity.

6. A BOA member is prohibited from trying to influence another member's vote other than in a public hearing or through documents made available at the public hearing. (Ord. No. 665, 11/18/17)

§ 1-320 PRESERVATION REVIEW COMMISSION.

1. There is hereby created a preservation review commission for the city of Blanchard, Oklahoma.

2. The preservation review commission shall be composed of at least seven (7) members, to be appointed by the mayor, in generally the same manner as the municipal planning commission.

3. The preservation review commission shall have the following duties and powers:

- a. To develop appropriate criteria and standards for identifying and evaluating neighborhoods, places, structures and improvements which might be classified as landmarks, historic sites or historic districts;
- b. To designate landmarks, historic sites or historic districts within the corporate limits of the city of Blanchard, Oklahoma; once designated

by the commission, such landmarks, historic sites and historic districts shall be subject to all the provisions of this code of ordinances, as well as any other specifically-appropriate zoning ordinance provisions;

- c. To compile a list of structures which would be eligible for designated landmark or historic structures status; such structures may be within or outside of an historic district; the commission may negotiate with the owners of such structures for an agreement binding the owner and property; such agreement may be for a specified period of time and shall be binding on subsequent owners until the end of the time specified;
- d. To acquire a fee or lesser interest, including "preservation easements," in historic properties by donation, bequest or, with the approval of the city council, by purchase;
- e. To cooperate with federal, state, local and other agencies in pursuing the objectives of historic preservation; to develop and recommend ordinances, legislation and programs, and otherwise provide information on historic preservation to the Blanchard, Oklahoma, city council;
- g. To design appropriate markers for designated landmarks, historic sites and historic districts;
- h. To take all steps necessary, including the taking, preparation and collection of photographs, measured drawings, descriptions, recorded interviews, written data and documentations to permanently record the origin, development, use and historical significance of each landmark, historic site or historic district;
- i. To review, subject to this code of ordinances, applications for new or existing building or demolition permits; and to work on a voluntary basis with the owners of landmarks, historic sites or structures within an historic district, advising them on the benefits, problems and techniques of preservation and encouraging their participation in preservation activities; and to issue or deny "certificate of appropriateness" for said work;
 - 1) All requests for building permits for structures within an historic district and for those designated as landmarks or historic sites shall be referred to the preservation review commission, which shall have a specified period of time to review each request; the commission may use such time to discuss the proposed changes with the owner of the structure

in question and may permit the municipal building inspector to issue the building permit before such period has expired; following this review, the commission shall issue or deny issuance of a "certificate of appropriateness" for the reviewed work;

- 2) This shall not prohibit the granting of a building permit by the municipal building inspector after such period has expired, if the commission has not made a decision;
- j. To make recommendations regarding the proposed demolition of designated landmarks, historic sites or structures within historic districts, including public demolition procedures initiated through statutory "nuisance abatement" processes, as well as other public or privately-initiated demolition processes; no permit to demolish all or part of such landmarks or structures shall be granted by the municipal building inspector, nor shall an abatement order be implemented, except as follows:
- 1) Except as otherwise provided, no person, including an agent of the city of Blanchard, Oklahoma, in charge of a landmark or historic site improvement in an historic district shall be granted a permit or permission to demolish, partially or in total, such property without the written approval of the preservation review commission;
 - 2) Upon the filing of an application with the preservation review commission, said commission shall determine whether the proposed change would destroy or adversely affect the historical features of the landmark, historic site or historic district property;
 - 3) If the preservation review commission determines that the landmark, historic site or property within an historic district would be adversely affected by the proposed change, it may withhold its consent to the granting of permission or of the permit; the commission shall make its decision within thirty (30) days after the filing of the application, and shall state in writing the reasons therefore, mailing the same to the applicant;
 - 4) If the preservation review commission refuses to grant permission or approve issuance of a permit for demolition, it shall cooperate with the applicant to arrive at a mutually agreeable plan to avoid demolition, maintain historic integrity and achieve the applicant's objectives; if no plan is agreed

upon within six (6) months of the filing of the application, the municipal building inspector may issue the permit to demolish the subject property or the municipal agent may proceed, without the approval of the commission;

- k. To rescind designation of landmarks, historic sites or historic districts;
- l. To review requests for exceptions for uses within any historic district;
- m. To accept or raise funds from public and private sources; and to
- n. Make an annual preservation report (optional) to the city council. (Ord. No. 1987-04, 12/1/87)

§ 1-321 **PERSONNEL BOARD (RESERVED).** (Ord. No. 1987-04, 12/1/87)

§ 1-322 **PARK BOARD.**

1. There is hereby created a park board, consisting of three (3) members appointed by the city council, for overlapping terms of three (3) years, to serve until their respective successors have been appointed and qualified; provided, that the initial members shall be appointed for terms of one (1) year, two (2) years, and three (3) years, with each member's term being chosen by lot; thereafter said terms shall be three (3) years for all successor members of said board. All terms shall expire on June 30th of the year the terms expire.

2. The park board shall advise the city manager and the city council on the care, management and development of all municipal parks and recreation areas. It may make rules and regulations governing the parks, subject to the inaction of ordinances by the city council; it may also make such rules and regulations governing its operations as it may deem necessary, subject to approval by the city council. (Ord. No. 1989-05, 12/12/89; Ord. No. 1992-01, 3/10/92)

Ed. Note: see also chapter 16, this code of ordinances.

§ 1-323 **FAIR HOUSING BOARD CREATED.**

1. There is hereby created a fair housing board for the city of Blanchard, Oklahoma, to assist in the enforcement of all municipal fair housing regulations and ordinances.

2. The city council of Blanchard, Oklahoma, shall serve as the fair housing board of said city. (Ord. No. 1987-04, 12/1/87)

Ed. Note: see also chapter 5, this code of ordinances.

§ 1-324 MUNICIPAL BOARD OF HEALTH; HEALTH OFFICIAL.

1. The city council of Blanchard, Oklahoma, shall constitute a municipal board of health and shall be capable of performing all the functions provided by state law.

2. The municipal board of health shall be under the supervision of the McClain County Department of Health and the Oklahoma State Department of Health.

3. It shall be the general duty of the municipal board of health to examine and consider all measures necessary for the preservation of the public health of residents of the city of Blanchard, Oklahoma, and to see that all ordinances and regulations in relation thereto are observed.

4. The city manager shall appoint or designate the county health officer as the local health official to carry out health programs and policies.

Ed. Note: see chapter 9, this code of ordinances.

§ 1-325 MUNICIPAL DEPARTMENTS.

1. In the statutory council-manager form of government, there shall be a police department, a fire department, a department of law, and such other administrative departments, offices and agencies as the city council may establish.

2. There shall be a police department, the head of which shall be the chief of police.

3. There shall be a fire department, the head of which shall be the fire chief.

4. There shall be a department of law, the head of which shall be the city attorney.

5. There is hereby established an office of emergency management under the executive branch of the municipal government, which shall consist of an emergency management director and an emergency management advisory committee. The purpose of said department shall be to be prepared for and function in the event of emergencies endangering the lives and property of the people of the city of Blanchard, Oklahoma, and to perform all functions necessary and incident to the protection of the lives, health and property of the citizens of said community.

6. There is hereby created the "department of public works" within the city of Blanchard, Oklahoma. The department of public works may consist of several subdivisions as follows: electrical department, park department, street department, water department, sanitation department, electrical inspector, plumbing inspector, water superintendent and gas inspector. The aforementioned sub-divisions of the department of public works shall be under the control and authority of the public works superintendent. The public works superintendent shall be appointed by the city manager with the consent of the city council and the board of trustees of the Blanchard Municipal Improvement Authority (BMIA); said superintendent shall supervise and head the department of public works, and is responsible for the actions of said department and its sub-divisions. The salary of the public works superintendent shall be set in accordance with appropriate provisions of the Blanchard city code of ordinances and current municipal policy. (Ord. No. 1987-05, 12/1/87; Ord. No. 1990-03, 2/13/90)

Ed. Note: see §§1-305, 1-308, 1-309, 1-310 and chapter 6, this code of ordinances.

§ 1-326 ATTENDANCE AT BOARD, COMMITTEE OR TRUST MEETINGS BY MEMBERS; REMOVAL.

All members of any board, committee or trust established by and for the benefit of the city, either by ordinance or otherwise, are required to make every reasonable effort to attend all meetings of such board, committee or trust. If any board or committee member or trust, except for the Board of Adjustment, is absent from more than fifty percent (50%) of all regular scheduled meetings, in any four (4) month period, that member may be removed by the city council, without notice and the vacancy created by such removal may be filled by the Blanchard city council, provided however, members of the Board of Adjustment shall be removed only for cause by the Blanchard city council, upon written charges and after public hearing. Cause for removal of members of the board of adjustment shall include, but not limited to, absence from more than fifty (50%) percent of all regular scheduled meetings of the Board of Adjustment in any four (4) month period notice. (Ord. No. 616, 7/28/15; Ord. No. 704, 7/23/19)

ARTICLE 4

FINANCIAL AND BUSINESS PROCEDURES

- § 1-401 Purchasing and sales procedures.
- § 1-402 Competitive bidding.
- § 1-403 Insurance.
- § 1-404 Capital improvements fund created.
- § 1-405 Audits and reports.

- § 1-406 Deposit of funds by city-clerk-treasurer; designation of city depositories.
- § 1-407 Affidavit for all contracts over twenty-five thousand dollars (\$25,000.00).
- § 1-408 Municipal debts and accounts receivable including fines recoverable by civil action; authorizing referral for collection and authorizing an additional collection fee on such amounts when referred to a collection agency.

§ 1-401 PURCHASING AND SALES PROCEDURES.

1. All purchases of supplies, materials, equipment, and contractual services for the offices, departments, and agencies of the city and its public trust authorities, shall be made by the city manager, or by other city personnel in accordance with purchasing procedures issued by the city manager. The city manager or other city personnel appointed by the city manager is authorized to contract for and purchase, or issue purchase authorization for, all supplies, materials and equipment for the offices, departments and agencies of the municipal government. Every such contract or purchase exceeding ten thousand dollars (\$10,000.00) shall require the prior approval of the city council, provided however; prior council approval shall not be required for contracts for, or purchases of, supplies, equipment, or contractual services, when purchased through state contracts or for emergency supplies, materials or contractual services which are necessary to maintain operations. Such purchases shall receive prior approval from the city manager.

2. For the purpose of this section, "contractual services" includes:

- a. All services performed for the city by persons not in the city's employment and may include the use of equipment or the furnishing of commodities in connection with said services under express or implied contract.
- b. All travel, freight, express, parcel post, postage, telephone, telegraph, utilities, rents, printing and binding, repairs, alterations, and maintenance of buildings, equipment, streets and bridges, and other physical facilities of the city; and other services performed for the city by persons not in the city employment.

3. Payment of invoice procedure. Pursuant to the provisions of 11 O.S. §17-102 and 62 4.5. §310.1.

- a. The city council does hereby authorize the city manager or designee to approve payment of any invoices submitted against the city for payment. In this regard, the city manager shall establish an internal control structure adequate to provide reasonable assurance against the unauthorized or illegal payment of invoices. Such system of internal control should include the following control procedures:
 - 1) Proper authorization of transactions and activities;
 - 2) Adequate segregation of duties;
 - 3) Adequate documents and records;
 - 4) Adequate safeguards over access to and use of assets and records; and
 - 5) Independent checks on performance.
- b. Further, two (2) additional elements of the internal control structure, which are the control environment and the accounting system, must be included. The control environment shall consist of the overall attitude, awareness and actions of the governing body and management, including a foresighted management policy toward financial reporting.
- c. The methods and records of an effective accounting system shall result in:
 - 1) Identification and recording of all valid transactions;
 - 2) Description of a timely basis of the type of transaction in sufficient detail to permit proper classification of the transaction for financial reporting;
 - 3) Measurement of the transaction's value in a manner that permits recording of its monetary value in the financial statements;
 - 4) Description of the time period in which the transaction occurred to permit recording of the transaction in the proper accounting period;
 - 5) Proper presentation of the transaction and related disclosures in financial statements.
- 4. The city manager or a designated purchasing officer shall submit all

purchase orders and contracts prior to the time the commitment is made, to the designated encumbering officer who shall certify in writing that the amount of the submitted encumbrance has been entered against the designated appropriation account and that the encumbrance is within the authorized available balance of said appropriation. Provided, in instances where it is impossible to ascertain the exact amount of expenditures to be made at the time of recording the encumbrance, an estimated amount may be used. No purchase order or contract shall be valid unless signed and approved by the city manager or designated purchasing officer and certified by the encumbering officer. The encumbering officer shall retain and file one copy of the purchase order.

5. After satisfactory delivery of the merchandise or completion of the contract, the supplier shall deliver an invoice. Such invoice shall state the supplier's name and address and must be sufficiently itemized to clearly describe each item purchased, its unit price, where applicable, the number or volume of each item purchased, its total price, the total of the purchase and the date of the purchase. The city manager shall designate personnel to serve as receiving officer to attach the itemized invoice together with delivery tickets, freight tickets or other supporting information to the original of the purchase order who after approving same shall sign the original copy of the purchase order and shall submit the invoices, purchase order and other supporting data to the city manager for payment. All invoices submitted shall be examined by the city manager to determine their legality. The city manager shall approve such invoices for payment in the correct amount.

6. Surplus or obsolete supplies, materials or equipment the city manager may transfer to or between offices, departments and agencies or sell, surplus or obsolete supplies, materials and equipment. No sale of surplus or obsolete supplies, materials or equipment shall be made under this § until the city council has declared the supplies, materials or equipment involved to be surplus or obsolete. The city manager shall use his best efforts to maximize the financial benefit to the city in any sale of surplus or obsolete property. The city manager may sell such property by sealed bid or auction, including on-line auctions and shall utilize a manner of advertisement that would adequately reach prospective buyers taking into consideration the value of the property to be sold. If sold other than by auction, prospective buyers shall be required to submit sealed bids that shall be opened in public at a designated time and place. The city manager may repeatedly reject all bids and advertise again. Any bid accepted must be to the highest bidder, and, if necessary, shall cast lots in case of a tie to determine to whom to sell.

7. The city council may, by resolution, transfer some or all of the power granted to the city manager in subsection 6 (above) to a municipal purchasing officer appointed by the city manager. (Ord. No. 1992-03, 2/92; Ord. No. 2002-06, 6/25/02; Ord. No. 2006-18, 4/11/06; Ord. No. 2008-07, 10/14/08)

§ 1-402 COMPETITIVE BIDDING.

1. With regard to “public construction contracts” as defined by Title 61, Oklahoma Statutes, §102, the city shall adhere to the provisions of Oklahoma Statutes Title 61, §§101 et seq. when determining when competitive bidding is required and the manner in which competitive bids will be obtained.

2. In addition to the requirements of (a) above, public trusts created pursuant to Oklahoma Statutes, Title 60, §176, of which the city is beneficiary, shall also follow the competitive bidding provisions of Oklahoma Statutes §176(h) of Title 60.

3. For all other purchases of the city or of any public trust of which the city is beneficiary exceeding twelve thousand five-hundred (\$12,500.00) dollars in a single transaction, the city or the trust shall submit to at least three (3) vendors dealing in and able to supply the same, or to a smaller number if there are not three (3) vendors dealing in and able to supply the same, an invitation to bid and specifications to give them opportunity to bid. The invitation to bid may be made in writing, by telephone or in person. At the option of the city manager or the trust manager, the city or the trust may publish notice of the invitation to bid in a newspaper of general circulation within the city or in any other publication that would reasonably be expected to provide notice to prospective bidders. All bids shall be sealed and opened in public at a designated time and place. Bids shall be awarded by the city council or board of trustees in open meeting. The city council or the board of trustees may repeatedly reject all bids. The city council or the board of trustees shall favor vendors in the city when this can be done without additional expense to the city or the trust, but invitations to bid shall be submitted to vendors outside the city when necessary to secure bids or to create competitive conditions, or when it is likely that the city or the trust will recognize a savings. Unless all bids are rejected, the bid shall be awarded to the vendor whose bid is most advantageous to the city or the trust, considering price, quality, availability, date of delivery and future service.

4. For all purchases of the city or of any public trust of which the city is beneficiary exceeding seven thousand five-hundred (\$7,500.00) dollars but not exceeding twelve thousand five-hundred (\$12,500.00) dollars in a single transaction, the city or the trust shall submit to at least three (3) vendors dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation and specifications to give them an opportunity to quote. The request for quotation may be made in writing, by telephone or in person. At the option of the city manager or the trust manager, the city or the trust may publish notice of the request for quotation in a newspaper of general circulation within the city or in any other publication that would reasonably be expected to provide notice to prospective vendors. Quotations may be received verbally or in writing, but need not be sealed. The city council or the board of trustees, in open meeting, shall contract with the

lowest and best vendor or the vendor whose quote would be most advantageous to the city or the trust, unless the city council or the board of trustees rejects all quotes. The city council or the board of trustees shall favor vendors in the city when this can be done without additional expense to the city or the trust, but requests for quotations shall be submitted to vendors outside the city when necessary to secure quotes or to create competitive conditions, or when it is likely that the city or the trust will recognize a savings.

5. The city council or the trust may contract for the following without giving an opportunity for competitive bidding or without requesting quotations:

- a. Supplies, materials, equipment or contractual services of a non-professional nature, the cost of which does not exceed seven thousand five-hundred dollars (\$7,500.00) in a single transaction;
- b. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer (sole-source vendor) or which has a uniform price wherever purchased;
- c. Supplies, materials or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, (including war surplus);
- d. Supplies, materials or contractual services that have been bid through the Central Purchasing Agency of the state of Oklahoma;
- e. Contractual services (gas, electricity, telephone service, etc.) purchased from a public utility corporation, commission or other governmental authority; or
- f. Contractual services of a professional nature such as engineering, legal, architectural and medical services, subject to other policies adopted by the city council governing such procurement

6. This limit seven thousand five-hundred (\$7,500.00) dollars may be exceeded where an emergency, as determined by the city council or the board of trustees, exists and is so declared to exist, in accordance with state law. (Ord. No. 2002-7, 6/25/02)

§ 1-403 INSURANCE.

1. The city council may insure municipal property, as authorized by Oklahoma statutes. Any money received as a result of destruction, damages or loss of such insured property shall be accounted for, and used as provided by, said statutes.

2. The city council may purchase insurance to pay damages to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the city of Blanchard, Oklahoma.

§ 1-404 CAPITAL IMPROVEMENTS FUND CREATED.

1. There is hereby created and established a Capital Improvements Fund for the city of Blanchard, Oklahoma, which shall not be subject to fiscal operations.

2. The proceeds of said fund, together with any interest and increments thereto, may, at the discretion of the city council, be used for the following purposes only:

- a. To meet principal and interest requirements on general obligation bonds;
- b. When general obligation bond requirements are met, to make cash expenditures for capital improvements or equipment for street, electric, water, storm drainage, or sewer purposes; or
- c. Where transfers from said fund or any part thereof to a sinking fund or other appropriate Blanchard Municipal Improvement Authority (BMIA) Fund is necessary to accomplish such purposes, the city council is authorized to make such transfer of funds.

§ 1-405 AUDITS AND REPORTS.

The city council shall designate a qualified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of Finance and of all other departments, offices and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least.

§ 1-406 DEPOSIT OF FUNDS BY CITY TREASURER; DESIGNATION OF CITY DEPOSITORIES.

1. The city treasurer shall deposit daily all the funds and moneys of whatever kind that shall come into his/her possession by virtue of the office of city treasurer, in his/her name as city treasurer, in one or more responsible banks located in or near the city of Blanchard, Oklahoma, as designated by the city council as such depositories; provided, that, there shall not be deposited in any one bank at any one time a greater amount of such funds than the capital stock or insured level of such bank. Such bank or banks shall receive all moneys, drafts or checks, at par, and pay interest on the average daily balance at such

2. The city treasurer shall, when making up his/her deposit for the banks, make duplicate tickets for such deposit and file the same in the office of the city treasurer; it shall be the duty of the city treasurer to charge the bank designated as the depository of public moneys with all moneys deposited, and credit the city treasurer with such amount deposited.

4. The city depository bank(s) shall secure the city for all deposits by giving a good and sufficient bond with some surety company or companies to be approved by the city council. Said bond shall be for double the sum of the probable maximum deposits of the city at any one time with said depository or depositories and a new bond may be enacted by the city council at any time when the existing bond shall be deemed insufficient; until such bond or bonds are given, the city treasurer shall be liable on his/her bond for the loss of any money so deposited. (Ord. No. 627, 1/26/16)

1. Except as provided by subsection 2 of this section, on every contract entered into by the city of Blanchard, Oklahoma, or a trust having the city of Blanchard as its sole beneficiary, for payment to an architect, contractor, engineer or supplier of material of twenty-five thousand dollars (\$25,000.00) or more, shall be the following signed and notarized statement:

The undersigned (architect, contractor, supplier or engineer) of lawful age, being first duly sworn, on oath says that this invoice or claim is true and correct. Affiant further states that the (work, services or materials) will be (completed or supplied) in accordance with the plans, specifications, orders or requests furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the state of Oklahoma, any county or local subdivision of the State, of money or any other thing of value to obtain payment or procure the contract or purchase order.

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Subscribed and sworn to before me this ____ day of _____, ____.

Notary Public

(SEAL)

A notarized statement of non-collusion shall not be required on purchase orders to procure materials and equipment; provided, this provision shall not exempt the requirement for a notarized statement on invoices for services or materials and equipment.

2. When the city of Blanchard executes a contract with an architect, contractor, supplier or engineer for work, services or materials which are needed on a continual basis from such an architect, contractor, supplier or engineer under the terms of such contract, the city may require the an architect, contractor, supplier or engineer complete a signed affidavit provided for in subsection 1 which shall apply to all work, services or materials completed or supplied under the terms of the contract or contracts.

3. This requirement shall not apply to monthly billings submitted for public utility companies or telephone companies, whose services are regulated by the Oklahoma Corporation Commission, but will apply to said utility companies or telephone companies for billings pertaining to installations or changes in service. (Ord. No. 2004-22, 10/29/04)

§ 1-408 **MUNICIPAL DEBTS AND ACCOUNTS RECEIVABLE INCLUDING FINES RECOVERABLE BY CIVIL ACTION; AUTHORIZING REFERRAL FOR COLLECTION AND AUTHORIZING AN ADDITIONAL COLLECTION FEE ON SUCH AMOUNTS WHEN REFERRED TO A COLLECTION AGENCY.**

A. The city of Blanchard may recover by civil action or enter into a contract with a collection agency for the provisions of collection services for one or more of the following items:

1. Municipal debts and accounts receivable, including, but not limited to, unpaid fees, penalties, interest, and other sums due the city of Blanchard, as applicable; or

2. Court penalties, costs, fines and fees in cases in municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation by the court.

B. There is hereby added to each of the items in this section, when referred to a collection agency for collection, a collection fee of thirty-five (35%).

The court shall order the defendants to reimburse the fee and such court-ordered fee may be collected as provided by law for the collection of any other civil debt or criminal action, in addition to any other method provided by law. (Ord. No. 2011-03, 6/12/11)

ARTICLE 5

SALES TAX

- § 1-501 Citation.
- § 1-502 Definitions.
- § 1-503 Tax collector defined.
- § 1-504 Classification of taxpayers.
- § 1-505 Subsisting state permits.
- § 1-506 Effective date.
- § 1-507 Purpose of revenues.
- § 1-508 Tax rates; sales subject to tax.
- § 1-509 Exemptions.
- § 1-510 Other exempt transfers.
- § 1-511 Tax due when; returns; records.
- § 1-512 Payment of tax; brackets.
- § 1-513 Tax constitutes debt.
- § 1-514 Vendor's duty to collect tax.
- § 1-515 Returns and remittances; discounts.
- § 1-516 Interest and penalties; delinquency.
- § 1-517 Waiver of interest and penalties.
- § 1-518 Erroneous payments; claim for refund.
- § 1-519 Fraudulent returns.
- § 1-520 Records confidential.
- § 1-521 Amendments.
- § 1-522 Provisions cumulative.
- § 1-523 Provisions severable.
- § 1-524 Gross receipts tax.
- § 1-525 Collection from investor-owned utilities and rural electric cooperators, an annual fee upon gross receipts from retail sales of power, lights, or electricity within an "affected area".

§ 1-501 CITATION.

This article constitutes, shall be known as, and may be cited as, the "city of Blanchard, Oklahoma, sales tax ordinance." (Ord. No. 148; Ord. No. 1976-1; Ord. No. 1981-3; Ord. No. 1994-05, 8/9/94; Ord. No. 2005-03, 2/1/05; Ord. No. 2005-04, 2/1/05; Ord. No. 2005-22, 12/13/05; Ord. No. 2007-1 and Ord. No. 2009-10)

§ 1-502 DEFINITIONS.

The definitions of words, terms, and phrases contained in the Oklahoma Sales Tax Code, as amended, are hereby adopted by reference and made a part of this ordinance. (68 O.S. 1981, § 1302, as amended.)

§ 1-503 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.

§ 1-504 CLASSIFICATION OF TAXPAYERS.

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

§ 1-505 SUBSISTING STATE PERMITS.

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

§ 1-506 EFFECTIVE DATE.

This ordinance shall become and be effective on and after January 30, 1981, subject to the approval of a majority of the registered voters of the city of Blanchard, Oklahoma, voting on the same in the manner prescribed by Oklahoma statutes.

§ 1-507 PURPOSE OF REVENUES.

A. It is hereby declared to be the purpose of three percent (3%) of the municipal sales tax to provide revenues for the support of the functions of the municipal government of the city of Blanchard, Oklahoma.

1. It is hereby declared to be the purpose of one percent (1%) of the municipal sales tax adopted pursuant to Ordinance No. 2007-01 to provide revenues to be used for capital expenditures for the use and benefit of the city and any public trust having the city as beneficiary thereof and/or for the payment of debt service in connection with the obligations issued to finance said capital expenditures, provided that said capital expenditures may include, but not be limited to, the construction and equipping of water and wastewater system

improvements, a community center, a library and/or municipal buildings, and fire department improvements. This one percent (1%) sales tax shall terminate and be no longer collected after June 30, 2027.

§ 1-508 **TAX RATE; SALES SUBJECT TO TAX.**

There is hereby levied an excise tax of four percent (4%) upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax law of Oklahoma, including but not exclusive of the following:

1. Tangible personal property, except newspapers and periodicals;
2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service, except water, sewage and refuse. Provided, the rate of four percent (4%) shall not apply to sales subject to the provisions of paragraph 6 of Title 68, §1357 of the Oklahoma statutes.
3. Transportation for hire to persons by common carriers, including railroads both steam and electric, motor transportation companies, pullman car companies, airlines, and other means of transportation for hire, excluding:
 - a. transportation services provided by a tourism service broker which are incidental to the rendition of tourism brokerage services by such broker to a customer regardless of whether or not such transportation services are actually owned and operated by the tourism service broker. For purposes of this subsection, "tourism service broker" means any person, firm, association or corporation or any employee of such person, firm, association or corporation which, for a fee, commission or other valuable consideration, arranges or offers to arrange trips, tours or other vacation or recreational travel plans for a customer, and
 - b. transportation services provided by a funeral establishment to family members and other persons for purposes of conducting a funeral in this state;
4. Intrastate, interstate and international telecommunications services sourced to this state in accordance with Title 68A, §1354.30 of the Oklahoma statutes and ancillary services. Provided:
 - a. the term "telecommunications services" shall mean the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. The term "telecommunications services" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the

content for purposes of transmission, conveyance or routing without regard to whether such service is referred to as voice-over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added. "telecommunications services" do not include:

- (1) data processing and information services that allow data to be generated, acquired, stored; processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;
 - (2) installation or maintenance of wiring or equipment on a customer's premises;
 - (3) tangible personal property;
 - (4) advertising, including but not limited to directory advertising;
 - (5) billing and collection services provided to third parties;
 - (6) Internet access services;
 - (7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. 522 (6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;
 - (8) ancillary services; or
 - (9) digital products delivered electronically, including but not limited to, software, music, video, reading materials or ring tones.
- b. the term "interstate" means a "telecommunications service" that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession,
- c. the term "intrastate" means a telecommunications service that originates in one United States state or a United States territory or

possession, and terminates in the same United States state or a United States territory or possession,

- d. the term "ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including but not limited to "detailed telecommunications billing", "directory assistance", "vertical service", and "voice mail services".
- e. in the case of a bundled transaction that includes telecommunication service, ancillary service, internet access or audio or video programming service:
 - 1) if the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and verifiable standards such portion for its books and records kept in the regular course of business for other purposes, including, but not limited to, nontax purposes, and
 - 2) the provisions of this paragraph shall apply unless otherwise provided by federal law,
- f. a sale of prepaid calling service or prepaid wireless calling service shall be taxable at the time of sale to the customer;

5. Telecommunications nonrecurring charges, which means an amount billed for the installation, connection, change or initiation of telecommunications services received by a customer;

6. Printing or printed matter of all types, kinds, or character and, except for services of printing, copying or photocopying performed by a privately owned scientific and educational library sustained by monthly or annual dues paid by members sharing the use of such services with students interested in the study of geology, petroleum engineering or related subjects, any service of printing or overprinting, including the copying of information by mimeograph, multi-graph, or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information from magnetic tapes or other media furnished by customers;

7. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house, or tourist camp;

8. Service of furnishing storage or parking privileges by auto hotels or parking lots;

9. Computer hardware, software, coding sheets, cards, magnetic tapes or other media on which prewritten programs have been coded, punched, or otherwise recorded, including the gross receipts from the licensing of software programs;

10. 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;

11. Advertising of all kinds, types, and characters, including any and all devices used for advertising purposes except those specifically exempt pursuant to the provisions of Title 68A, §1357 of the Oklahoma Statutes;

12. Dues or fees to clubs including free or complimentary dues or fees which have a 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;

13. Tickets 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 have a value equivalent to the charge that would have otherwise been made;

14. Charges made for the privilege of entering or engaging in any kind of activity, such as tennis, racquetball, or handball, when spectators are charged no admission fee;

15. Charges made for the privilege of using items for amusement, sports, entertainment, or recreational activity, such as trampolines or golf carts;

16. The rental of equipment for amusement, sports, entertainment, or other recreational activities, such as bowling shoes, skates, golf carts, or other sports or athletic equipment;

17. 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 or any other deductions therefrom;

18. 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. 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;

19. 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. All orders taken outside this state for delivery within this state shall not be subject to the taxes levied in this section;

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

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

21. Any taxable services and tangible personal property including materials, supplies, and equipment sold to contractors for the purpose of developing and improving real estate even though said real estate is intended for resale as real property, hereby declared to be sales to consumers or users, however, taxable materials, supplies and equipment sold to contractors as provided by this subsection which are purchased as a result of and subsequent to the date of a contract entered into either prior to the effective date of any law increasing the rate of sales tax imposed by this article, or entered into prior to the effective date of an ordinance or other measure increasing the sales tax levy of a political subdivision shall be subject to the rate of sales tax applicable, as of the date such contract was entered into, to sales of such materials, supplies and equipment if such purchases are required in order to complete the contract. Such rate shall be applicable to purchases made pursuant to the contract or any change order under the contract until the contract or any change order has been

completed, accepted and the contractor has been discharged from any further obligation under the contract or change order or until two (2) years from the date on which the contract was entered into whichever occurs first. The increased sales tax rate shall be applicable to all such purchases at the time of sale and the contractor shall file a claim for refund before the expiration of three (3) years after the date of contract completion or five (5) years after the contract was entered into, whichever occurs earlier. However, the Oklahoma Tax Commission shall prescribe rules and regulations and shall provide procedures for the refund to a contractor of sales taxes collected on purchases eligible for the lower sales tax rate authorized by this subsection; and

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

All solicitations or advertisements in print or electronic media by group three vendors, for the sale of tangible property to be delivered within this state, shall contain a notice that the sale is subject to Oklahoma sales tax, unless the sale is exempt from such taxation.

§ 1-509 **EXEMPTIONS.**

A. There is hereby specifically exempted from the tax levied by this article, the gross receipts or gross proceeds exempted from the sales tax law of Oklahoma, inclusive, but not exclusive of, or derived from, the:

1. Sale of gasoline, motor fuel, methanol, "M-85" which is a mixture of methanol and gasoline containing at least eighty-five percent (85%) methanol, compressed natural gas, liquefied natural gas, or liquefied petroleum gas on which the motor fuel tax, gasoline excise tax, special fuels Tax or the fee in lieu of Special Fuels Tax levied in §500.1 et seq., §601 et seq. or §701 of Title 68 has been, or will be paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma motor vehicle excise tax levied in §2101 of Title 68 has been, or will be paid;

3. Sale of crude petroleum or natural or casing head gas and other products subject to gross production tax pursuant to the provisions of §1001 et seq. and §1101 of Title 68 of the Oklahoma statutes. This exemption shall not apply when such products are sold to a 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;

4. Sale of aircraft on which the tax levied pursuant to the provisions of §§6001 through 6007 of Title 68 of the Oklahoma statutes has been, or will be paid or which are specifically exempt from such tax pursuant to the provisions of §6003 of Title 68 of the Oklahoma statutes;

5. Sales from coin-operated devices on which the fee imposed by §§1501 through 1512 of Title 68 of the Oklahoma statutes;

6. Leases of twelve (12) months or more of motor vehicles in which the owners of the vehicles have paid the vehicle excise tax levied by §2103 of title 68 of the Oklahoma statutes;

7. Sales of charity game equipment on which a tax is levied pursuant to the Oklahoma Charity Games Act, §401 et seq. of Title 3 A of the Oklahoma statutes, or which is sold to an organization that is:

- a. a veterans' organization exempt from taxation pursuant to the provisions of paragraph (4), (7), (8), (10) or (19) of subsection (c) of §501 of the United States Internal Revenue Code of 1986, as amended 26 U.S.C., §501(c) et seq.; or
- b. a group home for mentally disabled individuals exempt from taxation pursuant to the provisions of paragraph (3) of subsection (c) of §501 of the United States Internal Revenue Code of 1986, as amended, 26 U.S.C., §501(c) et seq.; or

8. Sales of cigarettes or tobacco products to:

- a. a federally recognized Indian tribe or nation which has entered into a compact with the state of Oklahoma pursuant to the provisions of subsection C of §346, Title 68 of the Oklahoma statutes or to a licensee of such a tribe or nation, upon which the payment in lieu of taxes required by the compact has been paid, or
- b. a federally recognized Indian tribe or nation or to a licensee of such a tribe or nation upon which the tax levied pursuant to the provisions of §349 or §426 Title 68 of the Oklahoma statutes has been paid;

9. Leases of aircraft upon which the owners have paid the aircraft excise tax levied by §6001, Title 68 of the Oklahoma statutes or which are specifically exempt from such tax pursuant to the provisions of §6003, Title 68 of the Oklahoma statutes;

10. The sale of low-speed or medium speed electrical vehicles on which the Oklahoma motor vehicle excise tax levied in §2101, Title 68 of the Oklahoma statutes has been or will be paid; and

11. Effective January 1, 2005, sales of cigarettes on which the tax levied in §301 et seq. of Title 68 of the Oklahoma statutes or tobacco products on which the tax levied in §401, Title 68 of the Oklahoma statutes et seq., has been paid.

B. There is also specifically exempted from the tax levied by this article, the gross receipts or gross proceeds exempted from the sales tax law of Oklahoma, inclusive, but not exclusive of, or derived from, the:

1. Sale of tangible personal property or services to the United States government or to the state of Oklahoma, any political subdivision of this state or any agency of a political subdivision of this 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 §1350 et seq., Title 68 of the Oklahoma statutes, except as hereinafter provided;

2. Sales of property to agents appointed by or under contract with agencies or instrumentalities of the United States government if ownership and possession of such property transfers immediately to the United States government;

3. Sales of property to agents appointed by or under contract with a political subdivision of this state if the sale of such property is associated with the development of a qualified federal facility, as provided in the Oklahoma Federal Facilities Development Act, and if ownership and possession of such property transfers immediately to the political subdivision or the state;

4. 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 or sales of admission tickets to such fairs or fair events at any location in the state authorized by county, district or state fair authorities; provided, the exemption provided by this paragraph for admission tickets to fair events shall apply only to any portion of the admission price that is retained by or distributed to the fair authority. As used in this paragraph, "fair event" shall be limited to an event held on the premises of the fair authority in conjunction with and during the time period of a county, district or state fair;

5. 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;

6. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members and dues paid monthly or annually to privately owned scientific and educational libraries by members sharing the use of services rendered by such libraries with students interested in the study of geology, petroleum engineering or related subjects;

7. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or a similar business or sale of tangible personal property or services by an organization exempt from federal income tax pursuant to §501(c)(3) of the Internal Revenue Code of 1986, as amended, made on behalf of or at the request of a church or churches if the sale of such property is conducted not more than once each calendar year for a period not to exceed three (3) days by the organization and proceeds from the sale of such property are used by the church or churches or by the organization for charitable purposes;

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

9. Sales of tangible personal property or services to the council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Boys and Girls;

10. Sale of tangible personal property or services to any county, municipality, rural water district, public school district, the institutions of The Oklahoma State System of Higher Education, the Grand River Dam Authority, the Northeast Oklahoma Public Facilities Authority, the Oklahoma Municipal Power Authority, City of Tulsa-Rogers County Port Authority, Muskogee City-County Port Authority, the Oklahoma Department of Veterans Affairs, the Broken Bow Economic Development Authority, Ardmore Development Authority,

Durant Industrial Authority, Oklahoma Ordnance Works 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 subdivisions or agencies of this state or who otherwise violates this § shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days or both;

11. Sales of tangible personal property or services to private institutions of higher education and private elementary and secondary institutions of education accredited by the state department of education or registered by the state board of education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3), 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 paragraph shall be a misdemeanor as set forth in paragraph 10 of this section;

12. Tuition and educational fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the state department of education or registered by the state board of education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3);

13. a. Sales of tangible personal property made by:
- 1) a public school;
 - 2) a private school offering instruction for grade levels kindergarten through twelfth grade;
 - 3) a public school district;
 - 4) a public or private school board;

- 5) a public or private school student group or organization;
 - 6) a parent-teacher association or organization other than as specified in subparagraph b of this paragraph; or
 - 7) public or private school personnel for purposes of raising funds for the benefit of a public or private school, public school district, public or private school board or public or private school student group or organization; or
- b. Sales of tangible personal property made by or to nonprofit parent-teacher associations or organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3); and before July 1, 2014, nonprofit local public or private school foundations which solicit money or property in the name of any public or private school or public school district. The exemption provided by this paragraph for sales made by a public or private school shall be limited to those public or private schools 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 include sale of admission tickets and concessions at athletic events;
14. Sales of tangible personal property by:
- a. local 4-H clubs;
 - b. county, regional or state 4-H councils;
 - c. county, regional or state 4-H committees;
 - d. 4-H leader associations;
 - e. county, regional or state 4-H foundations; and
 - f. authorized 4-H camps and training centers.

The exemption provided by this paragraph shall be limited to sales for the purpose of raising funds for the benefit of such organizations. Sale of tangible personal property exempted by this paragraph shall include sale of admission tickets;

15. The first seventy-five thousand dollars (\$75,000.00) each year from sale of tickets and concessions at athletic events by each organization exempt from taxation pursuant to the provisions of the Internal Revenue 26 U.S.C., §501(c)(4);

16. Items or services which are subsequently given away by the Oklahoma Tourism and Recreation Department as promotional items pursuant to §1834 of Title 74 of the Oklahoma statutes and the sale of advertising in travel brochures and other promotional materials produced at the direction of the department;

17. Sales of tangible personal property or services to fire departments organized pursuant to §59 Title 18 of the Oklahoma statutes which items are to be used for the purposes of the fire department. Any person making purchases on behalf of any such fire department 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 fire department and set out the name of such fire department. Any person who wrongfully or erroneously certifies that the purchases are for any such fire department or who otherwise violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or both;

18. Complimentary or free tickets for admission to places of amusement, sports, entertainment, exhibition, display or other recreational events or activities which are issued through a box office or other entity which is operated by a state institution of higher education with institutional employees or by a municipality with municipal employees;

19. The first fifteen thousand dollars (\$15,000.00) each year from sales of tangible personal property by fire departments organized pursuant to Titles 11, 18, or 19 of the Oklahoma statutes for the purposes of raising funds for the benefit of the fire department. Fire departments selling tangible personal property for the purposes of raising funds shall be limited to no more than six (6) days each year to raise such funds in order to receive the exemption granted by this paragraph;

20. Sales of tangible personal property or services to any Boys & Girls Clubs of America affiliate in this state which is not affiliated with the Salvation Army and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3);

21. Sales of tangible personal property or services to any organization, which takes court-adjudicated juveniles for purposes of rehabilitation, and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3), provided that at least fifty percent (50%) of the juveniles served by such organization are court adjudicated and the organization receives state funds in an amount less than ten percent (10%) of the annual budget of the organization;

22. Sales of tangible personal property or services to:

- a. any federally qualified community health center as defined in §254(c) of Title 42 of the United States Code;
- b. any migrant health center as defined in §254(b) of Title 42 of the United States Code;
- c. any clinic receiving disbursements of state monies from the Indigent Health Care Revolving Fund pursuant to the provisions of §66 of Title 56 of the Oklahoma Statutes,
- d. any community based health center which meets all of the following criteria:
 - 1) provides primary care services at no cost to the recipient; and
 - 2) is exempt from taxation pursuant to the provisions of §501(c)(3) of the Internal Revenue Code, 26 U.S.C., §501(c)(3); and
- e. any community mental health center as defined in §3-302 [43-3-302] of Title 43(A) of the Oklahoma Statutes;

23. Dues or fees, including free or complimentary dues or fees which have a value equivalent to the charge that could have otherwise been made, to YMCAs, YWCAs or municipally-owned recreation centers for the use of facilities and programs;

24. The first fifteen thousand dollars (\$15,000.00) each year from sales of tangible personal property or services to or by a cultural organization established to sponsor and promote educational, charitable and cultural events for disadvantaged children, and which organization is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3);

25. Sales of tangible personal property or services to museums or other entities which have been accredited by the American Association of Museums. Any person making purchases on behalf of any such museum or other entity 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 museum or other entity and set out the name of such museum or other entity. Any person who wrongfully or erroneously certifies that the purchases are for any such museum or other entity or who otherwise violates the provisions of this paragraph shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or by both such fine and incarceration;

26. Sales of tickets for admission by any museum accredited by the American Association of Museums. In order to be eligible for the exemption provided by this paragraph, an amount equivalent to the amount of the tax which would otherwise be required to be collected pursuant to the provisions of §1350, et seq. of Title 68 of the Oklahoma statutes shall be separately stated on the admission ticket and shall be collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the museum to effect the construction, enlarging or renovation of any facility to be used for entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket;

27. Sales of tangible personal property or services occurring on or after June 1, 1995, to children's homes which are supported or sponsored by one or more churches, members of which serve as trustees of the home;

28. Sales of tangible personal property or services to the organization known as the Disabled American Veterans, Department of Oklahoma, Inc., and subordinate chapters thereof;

29. Sales of tangible personal property or services to youth camps which are supported or sponsored by one or more churches, members of which serve as trustees of the organization;

30. Transfer of tangible personal property made pursuant to §3226 of Title 63 of the Oklahoma Statutes by the University Hospitals Trust;

31. Sales of tangible personal property or services to a municipality, county or school district pursuant to a lease or lease-purchase agreement executed between the vendor and a municipality, county or school district. A copy of the lease or lease-purchase agreement shall be retained by the vendor;

32. Sales of tangible personal property or services to any spaceport user, as defined in the Oklahoma Space Industry Development Act;

33. The sale, use, storage, consumption, or distribution in this state, whether by the importer, exporter, or another person, of any satellite or any associated launch vehicle, including components of, and parts and motors for, any such satellite or launch vehicle, imported or caused to be imported into this state for the purpose of export by means of launching into space. This exemption provided by this paragraph shall not be affected by:

- a. the destruction in whole or in part of the satellite or launch vehicle;
- b. the failure of a launch to occur or be successful; or

- c. the absence of any transfer or title to, or possession of, the satellite or launch vehicle after launch;

34. The sale, lease, use, storage, consumption, or distribution in this state of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity, including components thereof;

35. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property, placed on or used aboard any space facility, space propulsion system or space vehicle, satellite, or station possessing space flight capacity, which is launched into space, irrespective of whether such tangible property is returned to this state for subsequent use, storage, or consumption in any manner

36. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property meeting the definition of "§38 property" as defined in §§48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, that is an integral part of and used primarily in support of space flight; however, §38 property used in support of space flight shall not include general office equipment, any boat, mobile home, motor vehicle, or other vehicle of a class or type required to be registered, licensed, titled, or documented in this state or by the United States government, or any other property not specifically suited to supporting space activity. The term "in support of space flight", for purposes of this paragraph, means the altering, monitoring, controlling, regulating, adjusting, servicing, or repairing of any space facility, space propulsion systems or space vehicle, satellite, or station possessing space flight capacity, including the components thereof;

37. The purchase or lease of machinery and equipment for use at a fixed location in this state, which is used exclusively in the manufacturing, processing, compounding, or producing of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity. Provided, the exemption provided for in this paragraph shall not be allowed unless the purchaser or lessee signs an affidavit stating that the item or items to be exempted are for the exclusive use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed by §1354 of this Title 68 of the Oklahoma statutes shall be subject to the penalties provided by law. As used in this paragraph, "machinery and equipment" means "section 38 property" as defined in §§48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, which is used as an integral part of the manufacturing, processing, compounding, or producing of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph;

38. The amount of a surcharge or any other amount which is separately stated on an admission ticket which is imposed, collected and used for the sole purpose of constructing, remodeling or enlarging facilities of a public trust having a municipality or county as its sole beneficiary;

39. Sales of tangible personal property or services which are directly used in or for the benefit of a state park in this state, which are made to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3) and which is organized primarily for the purpose of supporting one or more state parks located in this state;

40. The sale, lease or use of parking privileges by an institution of The Oklahoma State System of Higher Education;

41. Sales of tangible personal property or services for use on campus or school construction projects for the benefit of institutions of The Oklahoma State System of Higher Education, private institutions of higher education accredited by the Oklahoma State Regents for Higher Education or any public school or school district when such projects are financed by or through the use of nonprofit entities which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501 (c)(3);

42. Sales of tangible personal property or services by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3), in the course of conducting a national championship sports event, but only if all or a portion of the payment in exchange therefore would qualify as the receipt of a qualified sponsorship payment described in Internal Revenue Code, 26 U.S.C., §513(i). Sales exempted pursuant to this paragraph shall be exempt from all Oklahoma sales, use, excise and gross receipts taxes;

43. Sales of tangible personal property or services to or by an organization which:

- a. is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3),
- b. is affiliated with a comprehensive university within The Oklahoma State System of Higher Education, and
- c. has been organized primarily for the purpose of providing education and teacher training and conducting events relating to robotics;

44. The first fifteen thousand dollars (\$15,000.00) each year from sales of tangible personal property to or by youth athletic teams which are part of an athletic organization exempt from taxation pursuant to the provisions of the

Internal Revenue Code, 26 U.S.C., §501(c)(4), for the purposes of raising funds for the benefit of the team;

45. Sales of tickets for admission to a collegiate athletic event that is held in a facility owned or operated by a municipality or a public trust of which the municipality is the sole beneficiary and that actually determines or is part of a tournament or tournament process for determining a conference tournament championship, a conference championship, or a national championship;

46. Sales of tangible personal property or services to or by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3) and is operating the Oklahoma City National Memorial and Museum, an affiliate of the National Park System;

47. Sales of tangible personal property or services to organizations which are exempt from federal taxation pursuant to the provisions of §501(c)(3) of the Internal Revenue Code, 26 U.S.C., §501(c)(3), the memberships of which are limited to honorably discharged veterans, and which furnish financial support to area veterans' organizations to be used for the purpose of constructing a memorial or museum;

48. Sales of tangible personal property or services on or after January 1, 2003, to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3) that is expending monies received from a private foundation grant in conjunction with expenditures of local sales tax revenue to construct a local public library;

49. Sales of tangible personal property or services to a state that borders this state or any political subdivision of that state, but only to the extent that the other state or political subdivision exempts or does not impose a tax on similar sales of items to this state or a political subdivision of this state;

50. Effective July 1, 2005, sales of tangible personal property or services to the career technology student organizations under the direction and supervision of the Oklahoma Department of Career and Technology Education;

51. Sales of tangible personal property to a public trust having either a single city, town or county or multiple cities, towns or counties or combination thereof as beneficiary or beneficiaries or a nonprofit organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3) for the purpose of constructing improvements to or expanding a hospital or nursing home owned and operated by any such public trust or nonprofit entity prior to the effective date of this act in counties with a population of less than one hundred thousand (100,000) persons, according to the most recent Federal Decennial Census. As used in this paragraph, "constructing improvements to or expanding" shall not mean any expense for routine

maintenance or general repairs and shall require a project cost of at least one hundred thousand dollars (\$100,000.00). For purposes of this paragraph, sales made to a contractor or subcontractor that enters into a contractual relationship with a public trust or nonprofit entity as described by this paragraph shall be considered sales made to the public trust or nonprofit entity. The exemption authorized by this paragraph shall be administered in the form of a refund from the sales tax revenues apportioned pursuant to §1353 of this title and the vendor shall be required to collect the sales tax otherwise applicable to the transaction. The purchaser may apply for a refund of the sales tax paid in the manner prescribed by this paragraph. Within thirty (30) days after the end of each fiscal year, any purchaser that is entitled to make application for a refund based upon the exempt treatment authorized by this paragraph may file an application for refund of the sales taxes paid during such preceding fiscal year. The Tax Commission shall prescribe a form for purposes of making the application for refund. The Tax Commission shall determine whether or not the total amount of sales tax exemptions claimed by all purchasers is equal to or less than six hundred fifty thousand dollars (\$650,000.00). If such claims are less than or equal to that amount, the Tax Commission shall make refunds to the purchasers in the full amount of the documented and verified sales tax amounts. If such claims by all purchasers are in excess of six hundred fifty thousand dollars (\$650,000.00), the Tax Commission shall determine the amount of each purchaser's claim, the total amount of all claims by all purchasers, and the percentage each purchaser's claim amount bears to the total. The resulting percentage determined for each purchaser shall be multiplied by six hundred fifty thousand dollars (\$650,000.00) to determine the amount of refundable sales tax to be paid to each purchaser. The pro rata refund amount shall be the only method to recover sales taxes paid during the preceding fiscal year and no balance of any sales taxes paid on a pro rata basis shall be the subject of any subsequent refund claim pursuant to this paragraph;

52. Effective July 1, 2006, sales of tangible personal property or services to any organization which assists, trains, educates, and provides housing for physically and mentally handicapped persons and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3) and that receives at least eighty-five percent (85%) of its annual budget from state or federal funds. In order to receive the benefit of the exemption authorized by this paragraph, the taxpayer shall be required to make payment of the applicable sales tax at the time of sale to the vendor in the manner otherwise required by law. Notwithstanding any other provision of the Oklahoma Uniform Tax Procedure Code to the contrary, the taxpayer shall be authorized to file a claim for refund of sales taxes paid that qualify for the exemption authorized by this paragraph for a period of one (1) year after the date of the sale transaction. The taxpayer shall be required to provide documentation as may be prescribed by the Oklahoma Tax Commission in support of the refund claim. The total amount of sales tax qualifying for exempt treatment pursuant to this paragraph shall not exceed one hundred seventy-five thousand dollars (\$175,000.00) each

fiscal year. Claims for refund shall be processed in the order in which such claims are received by the Oklahoma Tax Commission. If a claim otherwise timely filed exceeds the total amount of refunds payable for a fiscal year, such claim shall be barred;

53. The first two thousand dollars (\$2,000.00) each year of sales of tangible personal property or services to, by, or for the benefit of a qualified neighborhood watch organization that is endorsed or supported by or working directly with a law enforcement agency with jurisdiction in the area in which the neighborhood watch organization is located. As used in this paragraph, "qualified neighborhood watch organization" means an organization that is a not-for-profit corporation under the laws of the state of Oklahoma that was created to help prevent criminal activity in an area through community involvement and interaction with local law enforcement and which is one of the first two thousand organizations which makes application to the Oklahoma Tax Commission for the exemption after the effective date of this act;

54. Sales of tangible personal property to a nonprofit organization, exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3), organized primarily for the purpose of providing services to homeless persons during the day and located in a metropolitan area with a population in excess of five hundred thousand (500,000) persons according to the latest Federal Decennial Census. The exemption authorized by this paragraph shall be applicable to sales of tangible personal property to a qualified entity occurring on or after January 1, 2005;

55. Sales of tangible personal property or services by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3) made during auction events the principal purpose of which is to provide funding for the preservation of wetlands and habitat for wild ducks;

56. Sales of tangible personal property or services by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3) made during auction events the principal purpose of which is to provide funding for the preservation and conservation of wild turkeys;

57. Sales of tangible personal property or services to an organization which:

- a. is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3); and
- b. is part of a network of community-based, autonomous member organizations that meets the following criteria:

- 1) serves people with workplace disadvantages and disabilities by providing job training and employment services, as well as job placement opportunities and post-employment support,
- 2) has locations in the United States and at least twenty other countries,
- 3) collects donated clothing and household goods to sell in retail stores and provides contract labor services to business and government, and
- 4) provides documentation to the Oklahoma Tax Commission that over seventy-five percent (75%) of its revenues are channeled into employment, job training and placement programs and other critical community services;

58. Sales of tickets made on or after September 21, 2005, and complimentary or free tickets for admission issued on or after September 21, 2005, which have a value equivalent to the charge that would have otherwise been made, for admission to a professional athletic event in which a team in the National Basketball Association is a participant, which is held in a facility owned or operated by a municipality, a county or a public trust of which a municipality or a county is the sole beneficiary, and sales of tickets made on or after the effective date of this act, and complimentary or free tickets for admission issued on or after the effective date of this act, which have a value equivalent to the charge that would have otherwise been made, for admission to a professional athletic event in which a team in the National Hockey League is a participant, which is held in a facility owned or operated by a municipality, a county or a public trust of which a municipality or a county is the sole beneficiary;

59. Sales of tickets for admission and complimentary or free tickets for admission which have a value equivalent to the charge that would have otherwise been made to a professional sporting event involving ice hockey, baseball, basketball, football or arena football, or soccer. As used in this paragraph, "professional sporting event" means an organized athletic competition between teams that are members of an organized league or association with centralized management, other than a national league or national association, that imposes requirements for participation in the league upon the teams, the individual athletes or both, and which uses a salary structure to compensate the athletes;

60. Sales of tickets for admission to an annual event sponsored by an educational and charitable organization of women which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3) and has as its mission promoting volunteerism, developing the potential of women and improving the community through the effective action and leadership of trained volunteers;

61. Sales of tangible personal property or services to an organization, which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3), and which is itself a member of an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3), if the membership organization is primarily engaged in advancing the purposes of its member organizations through fundraising, public awareness or other efforts for the benefit of its member organizations, and if the member organization is primarily engaged either in providing educational services and programs concerning health-related diseases and conditions to individuals suffering from such health-related diseases and conditions or their caregivers and family members or support to such individuals, or in health-related research as to such diseases and conditions, or both. In order to qualify for the exemption authorized by this paragraph, the member nonprofit organization shall be required to provide proof to the Oklahoma Tax Commission of its membership status in the membership organization;

62. Sales of tangible personal property or services to or by an organization which is part of a national volunteer women's service organization dedicated to promoting patriotism, preserving American history and securing better education for children and which has at least 168,000 members in 3,000 chapters across the United States;

63. Sales of tangible personal property or services to or by a YWCA or YMCA organization which is part of a national nonprofit community service organization working to meet the health and social service needs of its members across the United States;

64. Sales of tangible personal property or services to or by a veteran's organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(19) and which is known as the Veterans of Foreign Wars of the United States, Oklahoma Chapters;

65. Sales of boxes of food by a church or by an organization, which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3). To qualify under the provisions of this paragraph, the organization must be organized for the primary purpose of feeding needy individuals or to encourage volunteer service by requiring such service in order to purchase food. These boxes shall only contain edible staple food items;

66. Sales of tangible personal property or services to any person with whom a church has duly entered into a construction contract, necessary for carrying out such contract or to any subcontractor to such a construction contract;

67. Sales of tangible personal property or services used exclusively for charitable or educational purposes, to or by an organization which:

- a. is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3),
- b. has filed a Not-for-Profit Certificate of Incorporation in this state, and
- c. is organized for the purpose of:
 - 1) providing training and education to developmentally disabled individuals,
 - 2) educating the community about the rights, abilities and strengths of developmentally disabled individuals, and
 - 3) promoting unity among developmentally disabled individuals in their community and geographic area;

68. Sales of tangible personal property or services to any organization which is a shelter for abused, neglected, or abandoned children and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3); provided, until July 1, 2008, such exemption shall apply only to eligible shelters for children from birth to age twelve (12) and after July 1, 2008, such exemption shall apply to eligible shelters for children from birth to age eighteen (18);

69. Sales of tangible personal property or services to a child care center which is licensed pursuant to the Oklahoma Child Care Facilities Licensing Act and which:

- a. possesses a 3-star rating from the Department of Human Services Reaching for the Stars Program or a national accreditation, and
- b. allows on site universal pre-kindergarten education to be provided to four-year-old children through a contractual agreement with any public school or school district.

For the purposes of this paragraph, sales made to any person, firm, agency or entity that has entered previously into a contractual relationship with a child care center for construction and improvement of buildings and other structures owned by the child care center and operated for educational purposes shall be considered sales made to a child care center. Any such person, firm, agency or entity making purchases on behalf of a child care center shall certify in writing, on the copy of the invoice or sales ticket the nature of the purchase. Any such person, or person acting on behalf of a firm, agency or entity making purchases on behalf of a child care center in violation of this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to

double the amount of sales tax involved or incarcerated for not more than sixty (60) days or both;

70. a. Sales of tangible personal property to a service organization of mothers who have children who are serving or who have served in the military, which service organization is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(19) and which is known as the Blue Star Mothers of America, Inc. The exemption provided by this paragraph shall only apply to the purchase of tangible personal property actually sent to United States military personnel overseas who are serving in a combat zone and not to any other tangible personal property purchased by the organization. Provided, this exemption shall not apply to any sales tax levied by a city, town, county, or any other jurisdiction in this state.
- b. The exemption authorized by this paragraph shall be administered in the form of a refund from the sales tax revenues apportioned pursuant to §1353 of Title 68, and the vendor shall be required to collect the sales tax otherwise applicable to the transaction. The purchaser may apply for a refund of the state sales tax paid in the manner prescribed by this paragraph. Within sixty (60) days after the end of each calendar quarter, any purchaser that is entitled to make application for a refund based upon the exempt treatment authorized by this paragraph may file an application for refund of the state sales taxes paid during such preceding calendar quarter. The Tax Commission shall prescribe a form for purposes of making the application for refund.
- c. A purchaser who applies for a refund pursuant to this paragraph shall certify that the items were actually sent to military personnel overseas in a combat zone. Any purchaser that applies for a refund for the purchase of items that are not authorized for exemption under this paragraph shall be subject to a penalty in the amount of five hundred dollars (\$500.00).

There are hereby specifically exempted from the tax levied by the Oklahoma Sales Tax Code:

- 1) Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;
- 2) Transportation of persons where the fare of each person does not exceed one

dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicabs;

- 3) 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 the Oklahoma Sales Tax Code. 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 salespersons who do not have an established place of business and a sales tax permit. The exemption provided by this paragraph shall apply to sales of motor fuel or diesel fuel to a group five vendor, but the use of such motor fuel or diesel fuel by the group five vendor shall not be exempt from the tax levied by the Oklahoma Sales Tax Code. The purchase of motor fuel or diesel fuel is exempt from sales tax when the motor fuel is for shipment outside this state and consumed by a common carrier by rail in the conduct of its business. The sales tax shall apply to the purchase of motor fuel or diesel fuel in Oklahoma by a common carrier by rail when such motor fuel is purchased for fueling, within this state, of any locomotive or other motorized flanged wheel equipment;
- 4) Sales of advertising space in newspapers and periodicals;
- 5) Sales of programs relating to sporting and entertainment events, and sales of advertising on billboards (including signage, posters, panels, marquees, or on other similar surfaces, whether indoors or outdoors) or in programs relating to sporting and entertainment events, and sales of any advertising, to be displayed at or in connection with a sporting event, via the Internet, electronic display devices, or through public address or broadcast systems. The exemption authorized by this paragraph shall be effective for all sales made on or after January 1, 2001;
- 6) Sales of any advertising, other than the advertising described by paragraph 5 of this section, via the Internet, electronic display devices, or through the electronic media, including radio, public address or broadcast systems, television (whether through closed circuit broadcasting systems or

otherwise), and cable and satellite television, and the servicing of any advertising devices;

- 7) 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 the purchaser 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;
- 8) Sale of natural or artificial gas and electricity, and associated delivery or transmission services, when sold exclusively for residential use. Provided, this exemption shall not apply to any sales tax levied by a city or town, or a county, or any other jurisdiction in this state;
- 9) In addition to the exemptions authorized by §1357.6 of Title 68 of the Oklahoma statutes, sales of drugs sold pursuant to a prescription written for the treatment of human beings by a person licensed to prescribe the drugs, and sales of insulin and medical oxygen. Provided, this exemption shall not apply to over-the-counter drugs;
- 10) Transfers of title or possession of empty, partially filled, or filled returnable oil and chemical 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;
- 11) Sales of one-way utensils, paper napkins, paper cups, disposable hot containers and other one-way carry out materials to a vendor of meals or beverages;
- 12) 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 §§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 in the federal food stamp program;

- 13) Sales of food or food products, or any equipment or supplies used in the preparation of the food or food products to or by an organization which:
 - a) is exempt from taxation pursuant to the provisions of §501(c)(3) of the Internal Revenue Code, 26 U.S.C., §501(c)(3), and which provides and delivers prepared meals for home consumption to elderly or homebound persons as part of a program commonly known as "meals on wheels" or "mobile meals"; or
 - b) is exempt from taxation pursuant to the provisions of §501(c)(3) of the Internal Revenue Code, 26 U.S.C., §501(c)(3), and which receives federal funding pursuant to the Older Americans Act of 1965, as amended, for the purpose of providing nutrition programs for the care and benefit of elderly persons;
- 14) a) Sales of tangible personal property or services to or by organizations which are exempt from taxation pursuant to the provisions of §501(c)(3) of the Internal Revenue Code, 26 U.S.C., §501(c)(3), and:
 - i) are primarily involved in the collection and distribution of food and other household products to other organizations that facilitate the distribution of such products to the needy and such distribute organizations are exempt from taxation pursuant to the provisions of §501(c)(3) of the Internal Revenue Code, 26 U.S.C., §501(c)(3); or
 - ii) facilitate the distribution of such products to the needy.
- b) Sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business shall not be exempt under this paragraph;

- 15) Sales of tangible personal property or services to children's homes which are located on church-owned property and are operated by organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., §501(c)(3);
- 16) Sales of computers, data processing equipment, related peripherals and telephone, telegraph or telecommunications service and equipment for use in a qualified aircraft maintenance or manufacturing facility. For purposes of this paragraph, "qualified aircraft maintenance or manufacturing facility" means a new or expanding facility primarily engaged in aircraft repair, building or rebuilding whether or not on a factory basis, whose total cost of construction exceeds the sum of five million dollars (\$5,000,000.00) and which employs at least two hundred fifty (250) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, upon completion of the facility. In order to qualify for the exemption provided for by this paragraph, the cost of the items purchased by the qualified aircraft maintenance or manufacturing facility shall equal or exceed the sum of two million dollars (\$2,000,000.00);
- 17) Sales of tangible personal property consumed or incorporated in the construction or expansion of a qualified aircraft maintenance or manufacturing facility as defined in paragraph 16 of this section. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified aircraft maintenance or manufacturing facility for construction or expansion of such a facility shall be considered sales made to a qualified aircraft maintenance or manufacturing facility;
- 18) Sales of the following telecommunications services:
 - a) *Interstate and International "800 service"*. "800 service" means a "telecommunications service" that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name "800", "855", "866", "877", and "888" toll-free calling, and any subsequent numbers designated by the Federal Communications Commission, or

- b) *Interstate and International "900 service"*. "900 service" means an inbound toll "telecommunications service" purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. "900 service" does not include the charge for: collection services provided by the seller of the "telecommunications services" to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name "900" service, and any subsequent numbers designated by the Federal Communications Commission,
- c) *Interstate and International "private communications service"*. "Private communications service" means a "telecommunications service" that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels,
- d) *"Value-added non-voice data service"*. "Value-added non-voice data service" means a service that otherwise meets the definition of "telecommunications services" in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing,
- e) Interstate and International telecommunications service which is:
 - i) rendered by a company for private use within its organization, or
 - ii) used, allocated, or distributed by a company to its affiliated group.
- f) Regulatory assessments and charges, including charges to fund the Oklahoma Universal Service Fund, the Oklahoma Lifeline Fund and the Oklahoma High Cost Fund, and

- g) Telecommunications nonrecurring charges, including but not limited to the installation, connection, change or initiation of telecommunications services which are not associated with a retail consumer sale;
- 19) Sales of railroad track spikes manufactured and sold for use in this state in the construction or repair of railroad tracks, switches, sidings and turnouts;
- 20) Sales of aircraft and aircraft parts provided such sales occur at a qualified aircraft maintenance facility. As used in this paragraph, "qualified aircraft maintenance facility" means a facility operated by an air common carrier at which there were employed at least two thousand (2,000) full-time-equivalent employees in the preceding year as certified by the Oklahoma Employment Security Commission and which is primarily related to the fabrication, repair, alteration, modification, refurbishing, maintenance, building or rebuilding of commercial aircraft or aircraft parts used in air common carriage. For purposes of this paragraph, "air common carrier" shall also include members of an affiliated group as defined by §1504 of the Internal Revenue Code, 26 U.S.C., §501.1504;
- 21) Sales of machinery and equipment purchased and used by persons and establishments primarily engaged in computer services and data processing:
 - a) as defined under Industrial Group Numbers 7372 and 7373 of the Standard Industrial Classification (SIC) Manual, latest version, which derive at least fifty percent (50%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer, and
 - b) as defined under Industrial Group Number 7374 of the SIC Manual, latest version, which derive at least eighty percent (80%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer.

Eligibility for the exemption set out in this paragraph shall be established, subject to review by the Tax Commission, by annually filing an affidavit with the Tax Commission stating that the facility so qualifies and such information as required by the Tax Commission. For purposes of determining whether annual gross

revenues are derived from sales to out-of-state buyers or consumers, all sales to the federal government shall be considered to be to an out-of-state buyer or consumer;

- 22) Sales of prosthetic devices to an individual for use by such individual. For purposes of this paragraph, "prosthetic device" shall have the same meaning as provided in §1357.6 of Title 68 of the Oklahoma Statutes, but shall not include corrective eye glasses, contact lenses or hearing aids;
- 23) Sales of tangible personal property or services to a motion picture or television production company to be used or consumed in connection with an eligible production. For purposes of this paragraph, "eligible production" means a documentary, special, music video, or a television commercial or television program that will serve as a pilot for or be a segment of an ongoing dramatic or situation comedy series filmed or taped for network or national or regional syndication or a feature-length motion picture intended for theatrical release or for network or national or regional syndication or broadcast. The provisions of this paragraph shall apply to sales occurring on or after July 1, 1996. In order to qualify for the exemption, the motion picture or television production company shall file any documentation and information required to be submitted pursuant to rules promulgated by the Tax Commission;
- 24) Sales of diesel fuel sold for consumption by commercial vessels, barges and other commercial watercraft;
- 25) Sales of tangible personal property or services to tax-exempt independent nonprofit biomedical research foundations that provide educational programs for Oklahoma science students and teachers and to tax-exempt independent nonprofit community blood banks headquartered in this state;
- 26) Effective May 6, 1992, sales of wireless telecommunications equipment to a vendor who subsequently transfers the equipment at no charge or for a discounted charge to a consumer as part of a promotional package or as an inducement to commence or continue a contract for wireless telecommunications services;

- 27) Effective January 1, 1991, leases of rail transportation cars to haul coal to coal-fired plants located in this state which generate electric power;
- 28) Beginning July 1, 2005, sales of aircraft engine repairs, modification, and replacement parts, sales of aircraft frame repairs and modification, aircraft interior modification, and paint, and sales of services employed in the repair, modification and replacement of parts of aircraft engines, aircraft frame and interior repair and modification and paint;
- 29) Sales of materials and supplies to the owner or operator of a ship, motor vessel or barge that is used in interstate or international commerce if the materials and supplies:
 - a) are loaded on the ship, motor vessel or barge and used in the maintenance and operation of the ship, motor vessel or barge, or
 - b) enter into and become component parts of the ship, motor vessel or barge;
- 30) Sales of tangible personal property made at estate sales at which such property is offered for sale on the premises of the former residence of the decedent by a person who is not required to be licensed pursuant to the Transient Merchant Licensing Act, or who is not otherwise required to obtain a sales tax permit for the sale of such property pursuant to the provisions of §1364 of Title 68 of the Oklahoma Statutes; provided:
 - a) such sale or event may not be held for a period exceeding three (3) consecutive days,
 - b) the sale must be conducted within six (6) months of the date of death of the decedent, and
 - c) the exemption allowed by this paragraph shall not be allowed for property that was not part of the decedent's estate;
- 31) Beginning January 1, 2004, sales of electricity and associated delivery and transmission services, when sold exclusively for use by an oil and gas operator for reservoir dewatering projects and associated operations commencing on or after July 1, 2003, in which the initial water-to-oil ratio is greater than or equal to five-to-one water-to-oil, and such oil and gas

development projects have been classified by the Corporation Commission as a reservoir dewatering unit;

- 32) Sales of prewritten computer software that is delivered electronically. For purposes of this paragraph, "delivered electronically" means delivered to the purchaser by means other than tangible storage media;
- 33) Sales of modular dwelling units when built at a production facility and moved in whole or in parts, to be assembled on-site, and permanently affixed to the real property and used for residential or commercial purposes. The exemption provided by this paragraph shall equal forty-five percent (45%) of the total sales price of the modular dwelling unit. For purposes of this paragraph, "modular dwelling unit" means a structure that is not subject to the motor vehicle excise tax imposed pursuant to §2103 of Title 68 of the Oklahoma Statutes;
- 34) Sales of tangible personal property or services to persons who are residents of Oklahoma and have been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who have been certified by the United States Department of Veterans Affairs or its successor to be in receipt of disability compensation at the one-hundred-percent rate and the disability shall be permanent and have been sustained through military action or accident or resulting from disease contracted while in such active service; provided, sales for the benefit of the person to a spouse of the eligible person or to a member of the household in which the eligible person resides and who is authorized to make purchases on the person's behalf, when such eligible person is not present at the sale, shall also be exempt for purposes of this paragraph. Sales qualifying for the exemption authorized by this paragraph shall not exceed twenty-five thousand dollars (\$25,000.00) per year per individual. Upon request of the Tax Commission, a person asserting or claiming the exemption authorized by this paragraph shall provide a statement, executed under oath, that the total sales amounts for which the exemption is applicable have not exceeded twenty-five thousand dollars (\$25,000.00) per year. If the amount of such exempt sales exceeds such amount, the sales tax in excess of the authorized amount shall be treated as a direct sales tax liability and may be recovered by the Tax Commission in the same manner provided by law for other taxes, including penalty and interest;

- 35) Sales of electricity to the operator, specifically designated by the Oklahoma Corporation Commission, of a spacing unit or lease from which oil is produced or attempted to be produced using enhanced recovery methods, including, but not limited to, increased pressure in a producing formation through the use of water or saltwater if the electrical usage is associated with and necessary for the operation of equipment required to inject or circulate fluids in a producing formation for the purpose of forcing oil or petroleum into a wellbore for eventual recovery and production from the wellhead. In order to be eligible for the sales tax exemption authorized by this paragraph, the total content of oil recovered after the use of enhanced recovery methods shall not exceed one percent (1%) by volume. The exemption authorized by this paragraph shall be applicable only to the state sales tax rate and shall not be applicable to any county or municipal sales tax rate;
- 36) Sales of intrastate charter and tour bus transportation. As used in this paragraph, "intrastate charter and tour bus transportation" means the transportation of persons from one location in this state to another location in this state in a motor vehicle which has been constructed in such a manner that it may lawfully carry more than eighteen persons, and which is ordinarily used or rented to carry persons for compensation. Provided, this exemption shall not apply to regularly scheduled bus transportation for the general public;
- 37) Sales of vitamins, minerals and dietary supplements by a licensed chiropractor to a person who is the patient of such chiropractor at the physical location where the chiropractor provides chiropractic care or services to such patient. The provisions of this paragraph shall not be applicable to any drug, medicine or substance for which a prescription by a licensed physician is required;
- 38) Sales of goods, wares, merchandise, tangible personal property, machinery and equipment to a web search portal located in this state which derives at least eighty percent (80%) of its annual gross revenue from the sale of a product or service to an out-of-state buyer or consumer. For purposes of this paragraph, "web search portal" means an establishment classified under NAICS code 518112 which operates web sites that use a search engine to generate and maintain extensive databases of Internet addresses and content in an easily searchable format;

- 39) Sales of tangible personal property consumed or incorporated in the construction or expansion of a facility for a corporation organized under §437 et seq. of Title 18 of the Oklahoma statutes as a rural electric cooperative. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a rural electric cooperative for construction or expansion of a facility shall be considered sales made to a rural electric cooperative;
- 40) Sales of tangible personal property or services to a business primarily engaged in the repair of consumer electronic goods, including, but not limited to, cell phones, compact disc players, personal computers, MP3 players, digital devices for the storage and retrieval of information through hard-wired or wireless computer or Internet connections, if the devices are sold to the business by the original manufacturer of such devices and the devices are repaired, refitted or refurbished for sale by the entity qualifying for the exemption authorized by this paragraph directly to retail consumers or if the devices are sold to another business entity for sale to retail consumers; and
- 41) Before July 1, 2014, sales of rolling stock when sold or leased by the manufacturer, regardless of whether the purchaser is a public services corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by a common carrier directly in the rendition of public service. For purposes of this paragraph, "rolling stock" means locomotives, auto-cars and railroad cars.

As the provisions of Title 68 are hereinafter amended, these sections pertaining to the sales tax shall be similarly amended by operation of law and without the requirement of individual amendment. Title 68 pertaining to the Oklahoma Sales Tax Code is adopted in its entirety and is incorporated herein by reference as if fully set out.

§ 1-510 OTHER EXEMPT TRANSFERS.

Also, there is hereby specifically exempted from the tax herein levied, the transfer of tangible personal property exempted from the Oklahoma sales tax law inclusive but not exclusive of the following:

- 1. From one (1) corporation to another corporation, pursuant to a reorganization; as used in this subsection, the term "reorganization" means:

- a. A statutory merger or consolidation; or
 - b. The acquisition by a corporation of substantially all of the properties of another corporation, when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;
2. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;
 3. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are, immediately after the transfer, in control of the corporation, and the stock or securities received by each is substantially in proportion to this interest in the property prior to the transfer;
 4. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership, and the interest in the partnership received by each is substantially in proportion to his interest in the property prior to the transfer; and
 5. From a partnership to the members thereof when made in kind in the dissolution of such partnership.

§ 1-511 TAX DUE WHEN; RETURNS; RECORDS.

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

§ 1-512 PAYMENT OF 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 sales tax law of Oklahoma.
2. The bracket system for the collection of the three percent (3%) municipal sales tax by the tax collector, shall be as the same as hereafter adopted by the agreement of the city of Blanchard, Oklahoma, and the tax collector in the collection of both the three percent (3%) municipal sales tax and the state sales tax.

§ 1-513 **TAX CONSTITUTES DEBT.**

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

§ 1-514 **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 municipality to collect from the consumer or user, the full amount of the tax levied by this article, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

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 a debt from the consumer or user to the vendor until paid and shall be recoverable by law in the same manner as other debts.

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 willfully or intentionally fails, neglects or refuses to comply with the provisions, or remits or rebates to a consumer or user, either directly or indirectly and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising (verbally or otherwise) any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices, at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense.

§ 1-515 **RETURNS AND REMITTANCES; DISCOUNTS.**

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

§ 1-516 **INTEREST AND PENALTIES; DELINQUENCY.**

§217 of Title 68 O.S. 1981, as amended, is hereby adopted and made a part of this article, 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 article. The failure or refusal or any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this article shall cause such tax to be

delinquent. In addition, if such delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this article.

§ 1-517 WAIVER OF INTEREST AND PENALTIES.

The interest, penalty or any portion thereof, accruing by reason of a taxpayer's failure to pay the municipal sales tax herein levied, may be waived or remitted in the same manner provided for said waiver or remittance, as applied in the administration of the state sales tax provided in Title 68, O.S. 1981, §220; to accomplish the purposes of this section, the applicable provisions of said §220 are hereby adopted by reference and made a part of this article.

§ 1-518 ERRONEOUS PAYMENT; CLAIM FOR REFUND.

Refund of erroneous payment of the municipal sales tax herein levied may be made to any taxpayer making such erroneous payment, in the same manner and procedure and under the same limitations of time, as provided for administration of the state sales tax as set forth in a Title 68, O.S. 1981, §227, and, to accomplish the purposes of this section, the applicable provisions of said §227 are hereby adopted by reference and made a part of this article.

§ 1-519 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment or any tax, or portion thereof, rightfully due under this article, shall be an offense and, upon conviction thereof, the offending taxpayer shall be subject to a fine of not more than the limits established in §8-301 of this code of ordinances.

§ 1-520 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the municipal sales tax is legislatively recognized and declared, and to protect the same, the provisions of Title 68, O.S. 1981 (as amended), §205 of the state sales tax code and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipal sales tax as if set forth herein in full.

§ 1-521 AMENDMENTS.

The people of the city of Blanchard, Oklahoma, by their approval of this ordinance at the election hereinbefore provided, have authorized the city council, by ordinances duly enacted, to make such administrative and technical changes

or additions in the method and manner of administration 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.

§ 1-522 PROVISIONS CUMULATIVE.

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

§ 1-523 PROVISIONS SEVERABLE.

The provisions hereof are hereby 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.

§ 1-524 RESERVED.

§ 1-525 ANNUAL FEE ASSESSED ON INVESTOR-OWNED UTILITY OR RURAL ELECTRIC COOPERATIVES.

A. Pursuant to the authority granted municipalities pursuant to §158.43 of Title 17 of the Oklahoma statutes, the city of Blanchard hereby assess an annual fee upon all investor-owned utilities and rural electric cooperatives that have entered into an agreement approved by the Oklahoma Corporation Commission with another retail electric supplier within an “affected area” of the city or that have been assigned territory by the Oklahoma Corporation Commission pursuant to §158.43 of Title 17 of the Oklahoma statutes.

B. The annual fee assessed by subsection (a) of this section shall be remitted to the city beginning thirty (30) days after the effective date of this ordinance.

C. The annual fee assessed by subsection (a) of this section is hereby set at four percent (4%) of gross proceeds or gross receipts of each investor-owned utility or rural electric cooperative to which it applies.

D. Pursuant to §158.43 of Title 17 of the Oklahoma statutes, the annual fee assessed by Subsection (a) of this section shall be collected from the customers of all retail electric suppliers on the gross receipts from all retail sales made within the “affected areas” within the municipal corporate limits and shall be remitted by the retail electric suppliers to the city. The fee shall not be collected from any customer that is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., § 501(c)(25)(C)(iii).

E. For purposes of this subsection, “affected area” means an area located within the Blanchard city limits, which as a result of annexation, has two or more retail electric suppliers, excluding the Grand River Dam Authority but including investor-owned utilities, rural electric cooperatives, municipalities that provide electricity either directly or indirectly. (Prior Code §1-98; Ord. No. 1992-04, 6/9/92; Ord. No. 2009-10, 9/29/9)

ARTICLE 6

USE TAX

- § 1-601 Excise tax on storage, use or other consumption of intangible personal property levied.
- § 1-602 Exemptions.
- § 1-603 Time due; returns; payment.
- § 1-604 Tax constitutes debt.
- § 1-605 Collection of tax by retailer or vendor.
- § 1-606 Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state; permits.
- § 1-607 Revoking permits.
- § 1-608 Remunerative deductions allowed vendors or retailers of other states.
- § 1-609 Interest and penalties; delinquency.
- § 1-610 Waiver of interest and penalties.
- § 1-611 Erroneous payments; claim for refund.
- § 1-612 Fraudulent returns.
- § 1-613 Records confidential.
- § 1-614 Provisions cumulative.
- § 1-615 Provisions severable.
- § 1-616 Definitions.
- § 1-617 Classifications of taxpayers.
- § 1-618 Subsisting state permits.
- § 1-619 Purposes of revenues.

§ 1-601 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF INTANGIBLE PERSONAL PROPERTY LEVIED.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the city of Blanchard, Oklahoma, tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or otherwise consuming within the municipality of such property at the rate of four percent (4%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be

assessed to only property purchased outside Oklahoma; provided, that, the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the use tax authorized herein, may deduct from such use tax any local or municipal sales tax previously paid on such goods or services; provided, that, the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services. (Ord. No. 1989-04, 12/12/89)

§ 1-602 EXEMPTIONS.

The provisions of this article shall not apply:

1. In respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;

2. In respect to the use of tangible, personal property purchased for resell before being used;

3. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the city of Blanchard, Oklahoma, Use Tax Ordinance, has been paid by the person using such tangible, personal property in the Municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the city of Blanchard, Oklahoma, Use Tax Ordinance, the provisions of this article shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the city of Blanchard, Oklahoma, Use Tax Ordinance, and the rate by which the previous tax upon the sale or use was computed; provided, that, no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality;

4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in the municipality; provided, that, this exemption shall not apply unless such machinery and

equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the sales tax code of the city of Blanchard, Oklahoma. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

5. In respect to the use of tangible, personal property now specifically exempted from taxation under the sales tax code of the city of Blanchard, Oklahoma;

6. In respect to the use of any article of tangible, personal property brought into the Municipality by an individual with intent to become a resident of this municipality where such personal property is for such individual's personal use or enjoyment;

7. In respect to the use of any article of tangible personal property used, or to be used, by commercial airlines or railroads; or

8. In respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold. (Ord. No. 1989-04, 12/12/89)

§ 1-603 TIME DUE; RETURNS; PAYMENT.

The tax levied by this article 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. (Ord. No. 1989-04, 12/12/89)

§ 1-604 TAX CONSTITUTES DEBT.

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors, and may be collected by suit as any other debt. (Ord. No. 1989-04, 12/12/89)

§ 1-605 COLLECTION OF TAX BY RETAILER OR VENDOR.

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

houses or offices or other places of business in this municipality. (Ord. No. 1989-04, 12/12/89)

§ 1-606 **COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE; PERMITS.**

The Oklahoma Tax Commission may, in its discretion, upon application, authorize the collection of the use tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible personal property for use in this municipality, and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without Oklahoma and making sales of tangible, personal property at such out-of-state place of business for use in this municipality. Such retailer or vendor may be issued, without charge, a permit to collect such taxes, by said Tax Commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the use tax upon all tangible, personal property sold to his knowledge for use within this municipality. Such authority and permit may be cancelled when, at any time, said Tax Commission considers that such use tax can more effectively be collected from the person using such property in this municipality; provided, however, that, in all instances where such sales are made or completed by delivery to the purchaser within this municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable municipal sales tax at the point of delivery and the tax shall be collected and reported under the tax payer's sales tax permit number accordingly. (Ord. No. 1989-04, 12/12/89)

§ 1-607 **REVOKING PERMITS.**

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, authorized to collect the use tax herein levied, fails to comply with any of the provisions of this article or the Oklahoma Use Tax Code or any order, rules or regulations of the Oklahoma Tax Commission, said Tax Commission may, upon notice and hearing as provided for in 68 O.S. 1981, §1408, by order, revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state may, after the notice and hearing above provided, cancel said corporation's License to do business in this state and shall issue a new license only when such corporation has complied with the obligations under this article, the Oklahoma Use Tax Code, or any order, rules or regulations of the Oklahoma Tax Commission. (Ord. No. 1989-04, 12/12/89)

**§ 1-608 REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR
RETAILERS OF OTHER STATES.**

Returns and remittances of the use tax herein levied and collected shall be made to the Oklahoma Tax Commission at the time and in the manner, form and amount prescribed for returns and remittances required by the Oklahoma Use Tax Code; remittances of use taxes collected hereunder shall be subject to the same discount as may be allowed by said code for the collection of state use taxes. (Ord. No. 1989-04, 12/12/89)

§ 1-609 INTEREST AND PENALTIES; DELINQUENCY.

§217 of Title 68 O.S. 1981, is hereby adopted and made a part of this article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the use tax levied by this article; provided, that, the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of use tax in the time and manner required by this article 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 article. (Ord. No. 1989-04, 12/12/89)

§ 1-610 WAIVER OF INTEREST AND PENALTIES.

The interest or penalty, or any portion thereof, accruing by reason of a retailer's or vendor's failure to pay the use tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the state use tax provided in 68 O.S. 1981, §227 to accomplish the purposes of this section, the applicable provisions of said §220 are hereby adopted by reference and made a part of this article. (Ord. No. 1989-04, 12/12/89)

§ 1-611 ERRONEOUS PAYMENTS; CLAIM FOR REFUND.

Refund of erroneous payment of the municipal use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state use tax set forth in 68 O.S. 1981, §227; to accomplish the purpose of this section, the applicable provisions of said §227 are hereby adopted by reference and made a part of this article. (Ord. No. 1989-04, 12/12/89)

§ 1-612 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this article, the willful failure or refusal of any tax payer to make reports and remittances herein required, or

the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any use tax, or portion thereof, rightfully due under this article, shall be an offense, and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than one-hundred (\$100.00) dollars. Each day of noncompliance with this article shall constitute a separate offense. (Ord. No. 1989-04, 12/12/89)

§ 1-613 **RECORDS CONFIDENTIAL.**

The confidential and privileged nature of the records and files concerning the administration of the municipal use tax is legislatively recognized and declared, and to protect the same, the provisions of 68 O.S. 1981, §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 municipal use tax as if herein set forth in full. (Ord. No. 1989-04, 12/12/89)

§ 1-614 **PROVISIONS CUMULATIVE.**

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of municipal ordinances. (Ord. No. 1989-04, 12/12/89)

§ 1-615 **PROVISIONS SEVERABLE.**

The provisions hereof are hereby 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 §, paragraph, sentence or clause hereof. (Ord. No. 1989-04, 12/12/89)

§ 1-616 **DEFINITIONS.**

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

1. *City* shall mean the city of Blanchard, Oklahoma;
2. *Transaction* shall mean sale;
3. The term “*tax collector*”, as used herein, means the department of the municipality or the official agency of the state, duly designated, according to law or contract authorized by law, to administer the collection of the use tax herein levied. (Ord. No. 1989-04, 12/12/89)

§ 1-617 CLASSIFICATION OF TAXPAYERS.

For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code. (Ord. No. 1989-04, 12/12/89)

§ 1-618 SUBSISTING STATE PERMITS.

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Use Tax Code are, for the purpose of this article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipal permit for the same purpose. (Ord. No. 1989-04, 12/12/89)

§ 1-619 PURPOSES OF REVENUES.

It is hereby declared to be the purpose of this article to provide revenues for the support of the functions of the municipal government of the city of Blanchard, Oklahoma, and any and all revenues derived hereunder may be extended by the city council for any purpose for which funds may be lawfully expended and authorized. (Ord. No. 1989-04, 12/12/89)

ARTICLE 7

FIREMEN'S PENSIONS

§ 1-701 Participation in state fireman's relief and pension fund.

§ 1-701 PARTICIPATION IN STATE FIREMEN'S RELIEF AND PENSION FUND.

1. The volunteer fire department of the city of Blanchard, Oklahoma, shall be subject to all of the provisions of the Oklahoma State Firemen's Relief and Pension Act, all of the provisions of which are hereby accepted by the city of Blanchard, Oklahoma, for the use and benefit of its volunteer fire department, which shall also be subject to all of the obligations thereunder.

2. From and after the effective date of this code of ordinances, it shall be the duty of the city treasurer to deduct, or have deducted, from salaries or wages of each member of the fire department, an amount which shall be required by current state law. The deductions shall be made at the time such firemen are paid and, when so deducted, shall be deposited in the "Firemen's Relief and Pension Fund."

ARTICLE 8

SOCIAL SECURITY

- § 1-801 Extension of benefits.
- § 1-802 Extension of agreements.
- § 1-803 Withholding from salaries.
- § 1-804 Contributions by city.
- § 1-805 Records and reports.
- § 1-806 Excluded officers and employees.

§ 1-801 EXTENSION OF BENEFITS.

It is hereby declared to be the policy and purpose of the city of Blanchard, 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, said municipality shall take such action as may be required by applicable state or federal laws or regulations.

§ 1-802 EXECUTION OF AGREEMENTS.

The mayor of the city of Blanchard, Oklahoma, is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the state Department of Public Welfare as agent or agency, to secure coverage of employees and officials as provided in §1-801 (above).

§ 1-803 WITHHOLDINGS FROM SALARIES.

Withholdings from salaries or wages of employees and officials for the purpose provided in §1-801 (above) are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by such laws and regulations.

§ 1-804 CONTRIBUTIONS BY CITY.

There shall be appropriated by the city of Blanchard, 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.

§ 1-805 RECORDS AND REPORTS.

The city of Blanchard, Oklahoma, shall keep such records and make such reports, relative to the system of federal Old-Age and Survivors Insurance, as may be required by applicable state or federal laws or regulations.

§ 1-806 EXCLUDED OFFICERS AND EMPLOYEES.

1. There is hereby excluded from this article and the benefits established hereunder, any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city of Blanchard, Oklahoma.

2. There is hereby excluded from this article and the benefits established hereunder, any authority to make any agreement with respect to any position, employee or official, compensation for which is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations.

ARTICLE 9

TELEPHONE EXCHANGE FEE

§ 1-901 Reserved.

§ 1-901 RESERVED.

ARTICLE 10

GROSS RECEIPTS TAX

- § 1-1001 Power to levy and assess tax; tax in lieu of other taxes.
- § 1-1002 Application of tax.
- § 1-1003 Tax levied for twenty (20) years; payable quarterly; disposition.
- § 1-1004 Penalties; failure to pay tax.
- § 1-1005 Lien of tax.

§ 1-1001 POWER TO LEVY AND ASSESS TAX; TAX IN LIEU OF OTHER TAXES.

The city council, 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 natural and liquefied petroleum gas in the city of Blanchard, 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 city of Blanchard, Oklahoma.

§ 1-1002 APPLICATION OF TAX.

The tax authorized to be levied under §1-1001 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 city of Blanchard, Oklahoma; it shall not apply to any person, firm, association or corporation operating under a valid franchise from the city of Blanchard, Oklahoma, and said exception shall be so stated in said valid franchise.

§ 1-1003 TAX LEVIED FOR TWENTY (20) YEARS; PAYABLE QUARTERLY; DISPOSITION.

This tax that is now levied under §1-1001 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 city treasurer of the city of Blanchard, Oklahoma and placed in the general fund of said city.

§ 1-1004 PENALTIES; FAILURE TO PAY TAX.

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

§ 1-1005 LIEN FOR TAX.

The tax so imposed shall constitute a first and prior lien on all the assets located within the city of Blanchard, Oklahoma, of any person, firm or corporation engaged in the business of selling natural and liquefied petroleum gas.

ARTICLE 11

MISCELLANEOUS PROVISIONS

- § 1-1101 Officers to give bonds.
- § 1-1102 Compensation; change of salaries; classification system.
- § 1-1103 Succession in government.
- § 1-1104 Nepotism; compatibility of offices.
- § 1-1105 Ordinances: general provisions.
- § 1-1106 Ordinances: adoption by reference.
- § 1-1107 Ordinances: compilation.

- § 1-1108 Amendments or additions to the code of ordinances.
§ 1-1109 Copies of city records; inspection of public records.

§ 1-1101 OFFICERS TO GIVE BONDS.

A. The city clerk, city treasurer, chief of police and the city's purchasing agent(s), among others, shall each be bonded by the city of Blanchard, Oklahoma, within ten (10) days after their election or appointment, in the following manner:

1.	Mayor	\$ 5,000.00
2.	Vice-mayor	\$ 5,000.00
3.	City clerk	\$35,000.00
4.	City treasurer	\$35,000.00
5.	Chief of police	\$ 2,500.00
6.	Other police	\$ 1,000.00
7.	Dispatchers (full-time)	\$ 1,000.00
8.	Dispatchers (part-time)	\$ 1,000.00
9.	City manager	\$10,000.00

B. The city attorney and the city auditor shall each provide the city of Blanchard, Oklahoma, with proof of professional liability Insurance coverage in an amount of not less than one-hundred thousand dollars (\$100,000.00) insuring against errors, omissions or other professional liability with regard to the services rendered to the city of Blanchard. Said proof of insurance shall be provided annually as evidenced by a certificate of coverage. (Ord. No. 1998-11, 11/10/98)

§ 1-1102 COMPENSATION; CHANGE OF SALARIES; CLASSIFICATION SYSTEM.

1. The basic compensation of the following elected Municipal officers shall be as indicated below:

- a. Each council member: \$ 0.00

2. The basic salaries of elected municipal officials shall not be changed after their election or during their term of office.

3. Each city council member shall be entitled to receive up to fifty dollars (\$50.00) per month for expenses incurred on behalf of the city. A full and complete, itemized, verified claim must be submitted covering all expenses for that month, in order to be allowed a recovery of said fifty dollars (\$50.00). Additional expense claims, in excess of the fifty dollar (\$50.00) limit, may be allowed, under the same conditions, when said expenses are authorized by the city council.

4. Elected officials may be reimbursed for expenses actually incurred by them in performance of their official duties; provided, that, no such reimbursement shall be made unless the incurrence thereof shall have been approved by vote of the city council.

5. The city manager may develop a municipal classification system to determine or regulate the number and class of officers and employees and determine or change their compensation.

6. The city council shall approve said municipal personnel classification system, by ordinance.

Editor's Note: see Oklahoma Constitution, Article 23, §10.

§ 1-1103 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 city of Blanchard, 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 city of Blanchard, Oklahoma, and in charge or possession of any officer of the city, shall be delivered to his successor.

§ 1-1104 NEPOTISM; COMPATIBILITY OF OFFICES.

1. No member of the city council nor any other authority of the municipal government, may appoint, or vote for the appointment of, any person related to himself by affinity or consanguinity within the third (3rd) degree, to any office or position of profit in the municipal government.

2. The following relatives shall be considered as within the third (3rd) degree of affinity or consanguinity: sons, daughters, grandsons, granddaughters, great grandsons, great granddaughters, brothers, sisters,

nephews, nieces, aunts, uncles, primary cousins, grandfathers, grandmothers, grand uncles, grand aunts, great grandfathers, great grandmothers, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, great grandson-in-law, great granddaughter-in-law, brother-in-law, sister-in-law, nephew-in-law, niece-in-law, aunt-in-law, uncle-in-law, primary cousins-in-law, grandfather-in-law, grandmother-in-law, grand uncle-in-law, grand aunt-in-law, great grandfather-in-law, great grandmother-in-law, grandnephew, grandniece, grandnephew-in-law, grandniece-in-law, stepson, stepdaughter, stepfather or stepmother; a divorce decree shall be deemed to dissolve all relationships arising by that marriage.

3. Except as may be otherwise provided by ordinance, the same person may hold more than one office or position in the municipal government.

§ 1-1105 ORDINANCES: GENERAL PROVISIONS.

1. The enacting clause of all ordinances passed by the city council shall be:

"Be it Ordained by the City Council of the City of Blanchard, Oklahoma,"

and of all ordinances proposed by the voters under their power of initiative,

"Be it Ordained by the People of the City of Blanchard, Oklahoma."

2. The mayor shall have no power to veto any ordinance.

3. Every ordinance, except those excepted by state law, shall be published by title or in full, within fifteen (15) days after its passage, in a newspaper of general circulation within the city or county, or posted in ten (10) public places within the city.

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

5. An emergency ordinance is an ordinance which, in the judgment of the city council, 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 city council shall vote on the emergency section separately and must adopt the emergency section by a vote of at least three-fourths (3/4) of all the members of

said city council. An emergency ordinance shall take effect upon passage, unless it specifies a later date.

§ 1-1106 ORDINANCES: ADOPTION BY REFERENCE.

The city council, 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, three (3) copies are filed and kept in the office of the city clerk.

§ 1-1107 ORDINANCES: COMPILATION.

1. Every ten (10) years, the city of Blanchard, 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 city in the McClain County Law Library.

3. Every two (2) years the city of Blanchard, Oklahoma, shall prepare, adopt and 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 more than one year prior to the latest compilation or supplement.

4. When the city has compiled and published its code of ordinances and succeeding supplements, the city council shall adopt a resolution notifying the public of such compliance and cause certified copies of the resolution and the code of ordinances and supplements to be filed in the office of the McClain County clerk.

§ 1-1108 AMENDMENTS OR ADDITIONS TO THE CODE OF ORDINANCES.

1. The city council shall have the power to repeal, alter or amend this code of ordinances.

2. All ordinances passed subsequent to this code of ordinances which amends, 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 city council.

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: "Section ____ of Article ____ Chapter ____ of the Code of Ordinances, City of Blanchard, Oklahoma, is hereby amended to read as follows. " The new provisions shall then be set out in full as desired.

4. In the event a new section not heretofore existing in the code of ordinances is to be added, the following language shall generally be used: "The Code of Ordinances, City of Blanchard, Oklahoma, is hereby amended by adding a § to Article ____ of Chapter ____ , which section reads as follows: ' ____ '. The new section shall then be set out in full as desired.

§ 1-1109 COPIES OF CITY RECORDS; INSPECTION OF PUBLIC RECORDS.

1. The city of Blanchard recognizes and supports the right of the public to be fully informed about their government and desires to comply with the Oklahoma Open Records Act, codified as 51 O.S. §24(A)(1) et seq. while simultaneously protecting the privileges, exceptions, and rights of all persons identified, named and/or otherwise involved in such records, including without limitation, the privacy interests of individuals, and/or all state, federal and/or other recognized confidential information and privileges are protected, moreover, this schedule of fees is applicable to all records released by the city of Blanchard unless otherwise provided by law.

2. Copies of city records; inspection of public records.

Except as otherwise provided in this schedule or by state statute, the fees for inspection and copying of public records shall be:

- a. Photocopy of public document, including hard copy of microfilm: per page of any documents not exceeding 8 1/2" 14" in size ... \$0.25
- b. Photocopy of public document, including hard copy of microfilm, per page of any document exceeding 8 1/2" x 14" in size.
 - 1) \$1.00 when the record may be reproduced by the city of Blanchard using city of Blanchard equipment; or
 - 2) When the record cannot be reproduced by the city of Blanchard using city of Blanchard equipment, the cost of reproduction charged to the city of Blanchard by a third party reproduction company, plus a ten (10%) percent surcharge

and four dollars (\$4.00) per quarter hour or any portion thereof of city of Blanchard employee time expended in pursuit of satisfying the open record request.

- c. Search fee for time spent locating requested records, when the request is:
 - 1) solely for commercial purpose: or
 - 2) clearly would cause excessive disruption of essential city functions; each quarter hour or any portion thereof: four dollars (\$4.00).
- d. Computer generated reports, audio tapes and/or video tapes, not including search time, per hour of computer time or any portion thereof: thirty-five dollars (\$35.00) plus one-hundred ten (110%) percent of the actual cost of time city of Blanchard of the medium upon which the record is reproduced.
- e. Payment of an estimated reproduction fee shall be paid in advance to the city clerk, when:
 - 1) the number of documents exceeds fifty (50) pages;
 - 2) a search time of three hours or more is estimated;
 - 3) a computer or audio time period of two (2) hours or more is estimated.
- f. Expedited search and dissemination of flood zone and flood map information for each tract or description of land requested: twenty-five (\$25.00) dollars.
- g. Photographs:
 - 1) all 5" x 7" photographs provided as a picture on photo paper, each: three dollars and fifty cents (\$3.50);
 - 2) photographs provided as electronically recorded file, provided on each City issued media, if available and resources allow: ten dollars (\$10.00) per disk;
 - 3) photographs provided as electronically recorded file, provided by means of e-mail, each: one dollar (\$1.00) per individual file;

- 4) search fee, each quarter hour or any portion thereof: four dollars (\$4.00); and
 - 5) electronic media for image storage: ten dollars (\$10.00).
- 3. Other miscellaneous fees:
 - a. Notary fee: three dollars (\$3.00);
 - b. Handling charge to prepare documents for mailing or shipping, pickup or to electronically deliver or transmit documents, per request, if available and resources allow, per quarter hour or any portion thereof, plus postage if applicable: four dollars (\$4.00);
 - c. Certification, official seal affixed, per page: one dollar (\$1.00);
 - d. Agenda subscription service: eighteen dollars (\$18.00) per year;
 - e. Council agenda packet subscription service: three-hundred dollars (\$300.00) per year;
 - f. Codes and ordinances according to the cost of reproduction as set forth herein. (Ord. No. 2006-07, 2/14/06)

CHAPTER 2

ALCOHOLIC BEVERAGES

ARTICLE 1

ALCOHOLIC BEVERAGES AND TAX

- § 2-101 Definitions and interpretations.
- § 2-102 Occupation tax levied for every business or occupation related to alcoholic beverages.
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- § 2-215 Definitions.
- § 2-216 Consumption of alcohol by minor in public place, place open to public, or place not open to public.
- § 2-217 Hosting, permitting, or allowing a party, gathering, or event where minors are consuming alcoholic beverages.

ARTICLE 1

ALCOHOLIC BEVERAGES AND TAX

- § 2-101 Definitions and interpretations.
- § 2-102 Occupation tax levied for every business or occupation related to alcoholic beverages.
- § 2-103 Payment required; penalty.
- § 2-104 Annual report.
- § 2-105 Application for certificate; investigations.
- § 2-106 Issuance of certificate of zoning and certificate of compliance.
- § 2-107 Wine, beer and mixed beverage sales for on-premises consumption.
- § 2-108 Retail package stores and retail stores selling wine or beer for off-premise consumption.
- § 2-109 Prohibitions; regulations applicable to alcoholic beverages.
- § 2-110 Penalty.
- § 2-111 Revocation of license.

§ 2-101 DEFINITIONS AND INTERPRETATIONS.

Word, phrases, and terms used in this chapter shall have the meaning prescribed by, and be construed in conformity with, the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act, §§37A-1-101 et. seq of the Oklahoma statutes, with the same force and effect as if the definitions were set forth in full in this chapter, unless the context clearly indicates a different meaning or constructions. [Ord. No. 693, 2/26/19]

§ 2-102 OCCUPATION TAX LEVIED FOR EVERY BUSINESS OR OCCUPATION RELATED TO ALCOHOLIC BEVERAGES.

A. There is hereby levied and assessed an annual occupational tax on every business or occupation relating to alcoholic beverages.

Beginning October 1, 2018, the occupational tax shall be:

City of Blanchard Occupational Tax Table – Alcoholic Beverages

Licenses	7/01/2018	10/01/2018
Brewer	\$1,250.00	\$1,250.00
Oklahoma Brewer	\$ 125.00	\$ 125.00
Distiller	\$3,125.00	\$3,125.00
Winemaker	\$ 625.00	\$ 625.00
Oklahoma Winemaker	\$ 75.00	\$ 75.00
Recifier	\$3,125.00	\$3,125.00
Wholesaler	\$3,500.00	\$3,500.00
Class B Wholesaler	\$ 625.00	\$ 625.00

Package Store (cities & towns)	\$ 300.00	\$ 300.00
Mixed Beverage		
a. Initial	\$1,005.00	\$1,005.00
b. Renewal	\$ 905.00	\$ 905.00
Mixed Beverage/Caterer Combo	\$1,000.00	\$1,000.00
Beer and Wine	\$ 20.00	\$ 20.00

All other fees shall be the maximum amounts as provided by state law.

B. If a brewer or a Class B wholesaler also holds a license from the state to manufacture or wholesale malt beverage, then the occupation tax for such brewer or Class B wholesaler shall be reduced by seventy-five percent (75%).

C. Except for the sale of wine or beer to the public, an interim occupational tax shall allow all qualified retail wine and retail beer, beer distributors and wine and spirits wholesaler state licensees to perform all activities permissible under a full license including but not limited to purchasing, stocking and storing wine and/or beer on the premises prior to October 1, 2018. In order to qualify for an interim occupational tax, the state licensee must satisfy all the requirements set forth in Article XXVIIA of the Oklahoma Tax Commission and state law. After October 1, 2018, the interim occupational tax shall convert to a full occupational tax and shall be renewed prior to July 1 of each year. [Ord. No. 693, 2/26/19]

§ 2-103 PAYMENT REQUIRED; PENALTY.

A. Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the city clerk on or before the date upon which he enters upon such business or occupation. The 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. The fee is non-refundable; and shall be used to offset municipal expenses covering the costs established.

B. The occupation tax subject to this chapter shall be prorated on a monthly basis for the year in which an occupation or business begins operations. Taxes paid on or before the 15th day of any month shall be on the basis of the first day of the month; taxes paid after the 15th day of the month shall be on the basis of the first day of the next succeeding month.

C. Upon payment of the occupation tax, the city clerk shall issue a receipt to the state licensee, which the licensee shall post in a conspicuous place on the premises wherein he carries on his business or occupation.

D. Any person who engages in any of the occupations taxed by this chapter without paying the occupation tax imposed therefore in advance of such operation, is guilty of an offense against the city and upon conviction thereof shall be punished as provided in this code under Section 2-110.
[Ord. No. 693, 2/26/19]

§ 2-104 ANNUAL REPORT.

The city clerk shall make an annual report to the Alcoholic Beverage Laws Enforcement (ABLE) Commission, covering the fiscal year, showing the number and class of licensees subject to the occupation tax and the amount of money collected therefrom. [Ord. No. 693, 2/26/19]

§ 2-105 APPLICATION FOR CERTIFICATE; INVESTIGATIONS.

A. Every applicant that is applying for an original first-time license, except applicants for an employee, charitable event or airline/railroad beverage license shall obtain a certificate of compliance with the zoning, fire, health and safety codes of the city as required by Title 37A of the Oklahoma statutes shall apply at the office of the city clerk by:

1. Filing a written application on forms prescribed by the city; and
2. Paying a verification and certification fee in such amount as set by the council at the time of filing;

B. Upon receipt of an application for a certificate of compliance, the city manager shall cause an investigation to be made to determine compliance with the following:

1. The proposed location and use thereof must comply with all municipal zoning ordinances, verified by the city planner.
2. The proposed site and structure must comply with all building codes, verified by the city inspector.
3. The proposed site and structure must comply with all fire code requirements, verified by the fire chief or his designee.
4. The proposed location and use must comply with provisions regarding food services, verified by the fire chief or his designee.

C. The city manager shall act in all such applications within twenty (20) days of receipt thereof. [Ord. No. 693, 2/26/19]

§ 2-106 **ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE.**

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

B. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, building, fire, safety, and health codes, a certificate of compliance shall be issued. The applicant is responsible for submitting the certificate of compliance to the ABLE Commission with their license application.

C. The above certificates of compliance shall be signed by the city manager or his designee.

D. A conditional certificate may be granted if construction, modification or alteration of the premises proposed for licensed operations is not completed. The conditional certificate shall indicate that the proposed premises will comply with city zoning, fire, safety and health codes. A certificate in accordance with subsections A and B of this section shall be issued within ten (10) days after all final inspections are complete. The granting of conditional certificates shall not relieve the applicant of the duty of obtaining the certificates as required by §§2-105 and 2-106 after completion of the construction, modification, or alteration.

E. The city shall issue the certificates as required by §§2-105 and 2-106 within ten (10) days after all final inspections are completed. Thereafter, if a licensee fails to maintain compliance with municipal or county zoning ordinances and codes, the city manager or his designee shall forthwith notify the ABLE Commission in writing setting forth details of the noncompliance. [Ord. No. 693, 2/26/19]

§ 2-107 **WINE, BEER AND MIXED BEVERAGE SALES FOR ON PREMISES CONSUMPTION.**

No person shall operate or maintain any business serving mixed beverage or beer or wine without having previously paid the occupational tax as provided in this chapter.

A. Hours of Operation.

Establishment to which the on premises mixed beverage, beer and wine, caterer, public event, charitable event, or special event occupational tax is applicable may sell, dispense, serve or allow to be consumed any mixed

beverages, beer or wine on the premises Monday through Sunday, 10 a.m. to 2 a.m.

B. Location.

It shall be unlawful for any establishment to which mixed beverages, beer or wine is served on premises be located within three-hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities.

The distance indicated in this section shall be measured from the nearest property line of the public or private school or church to the nearest perimeter wall of the premises of the place which has received a permit or which has been licensed to sell alcoholic beverages.

Exceptions:

1. Establishments licensed prior to October 1, 2018, to sell low-point beer which were permitted to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities, pursuant to the provisions of Title 37A of the Oklahoma statutes. Such establishment shall be permitted to have any license in effect on October 1, 2018, transferred to a mixed beverage license; provided, if such an establishment ceases to regularly be open to the public or changes ownership, the provisions of the paragraph shall cease to apply.

2. When any establishment licensed to serve mixed beverages, beer or wine to be consumed on-premises subject to the provisions of this section changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new owner or operator if he or she is otherwise qualified.

3. If any school or church shall be established within three hundred (300) feet of any establishment licensed to serve mixed beverages, beer or wine to be consumed on-premises subject to the provisions of this section after such establishment has been licensed, the provisions of this section shall not be a deterrent to the renewal of such license if there has not been a lapse of operations for more than sixty (60) days.

C. Employment.

No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of mixed beverages. Provided:

1. A mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of age, except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas; and

2. A mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employ or hire musical bands who have musicians who are under eighteen (18) years of age, if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any employee of the ABLE Commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas. [Ord. No. 693, 2/26/19]

§ 2-108 RETAIL PACKAGE STORES AND RETAIL STORES SELLING WINE OR BEER FOR OFF-PREMISE CONSUMPTION.

No person shall operate, manage or work in any retail establishment that sells, for off-premise consumption only, any type of alcoholic beverage without having previously obtained an occupational license for that store as provided in this chapter.

A. Hours of Operation.

Retail package stores will be permitted to remain open and operational on Monday through Saturday from 10:00 a.m. through 9:00 p.m. Further, no person shall open or operate a retail package store at any time on the following days:

1. Sunday.
2. Day of any general, primary, runoff primary or special election.
3. New Year's Day.
4. Memorial Day.
5. 4th of July.
6. Labor Day.
7. Thanksgiving Day.
8. Christmas Day.

No wholesale dealer shall sell or deliver to any retail package store on any of the days listed above.

Retail establishments selling beer and/or wine may offer for retail sale on Monday through Sunday between the hours of 6:00 a.m. and 2:00 a.m. the following day.

B. Location.

1. It shall unlawful for any retail package store and retail stores selling beer and/or wine to be located within three-hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities. The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of the place which has received a permit or which has been licensed to sell alcoholic beverages.

Exceptions:

The provisions of this section shall not apply to:

1. Retail package stores and retail stores selling beer and/or wine prior to November 1, 2000; provided, if at the time of application for license renewal the licensed location has not been in actual operation for a continuous period of more than sixty (60) days, the license shall not be renewed.

2. When any retail package store and retail stores selling beer and/or wine subject to the provisions of this section changes ownership or the operator thereof is changed and such change of ownership results in the same type to business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new operator if he or she is otherwise qualified.

3. If any school or church shall be established within three-hundred (300) feet of any retail package store and retail stores selling beer and/or wine subject to the provisions of this section after such establishment has been licenses, the provisions of this section shall not be a deterrent to the renewal of such license if there has not been a lapse of more than sixty (60) days.

C. Employment.

1. Retail package stores shall not employee any person under the age of twenty-one (21) years of age in the selling of spirits.

2. Retail stores selling beer and/or wine shall not employ any person under the age of eighteen (18) years of age in the selling of beer or wine.

D. Sale Only in Original Package.

1. Retail package stores and retail stores selling beer and/or wine may sell alcoholic beverages only in retail containers for consumption off the premises.

2. Retail package stores and retail stores selling beer and/or wine may sell beer and wine at refrigerated temperatures.

E. Sale of other goods allowed.

Retail package stores may sell anything sold in a grocery or convenience store including items such as lottery tickets, tobacco, Tylenol, etc. Sell of other goods shall not exceed twenty (20) percent of their gross monthly sales.

F. Alcohol by volumn.

1. Retail beer license holders may sell beer up to 8.99% alcohol by volumn (ABV).

2. Retail wine license holders may sell wine up to fifteen (15) percent alcohol by volumn (ABV). [Ord. No. 693, 2/26/19]

§ 2-109 PROHIBITIONS; REGULATIONS APPLICABLE TO ALCOHOLIC BEVERAGES.

A. It is unlawful for any person:

1. Knowingly sell, deliver, or furnish alcoholic beverages to any person under twenty-one (21) years of age;

2. Who is under the age of twenty-one (21), to misrepresent his age in writing or by presenting documentation of age for the purpose of including any person to sell him alcoholic beverages.

3. To employ any person under the age of twenty-one (21) years in the selling or handling of alcoholic beverages.

4. Who is a licensee or an agent or employee thereof to permit any person under twenty-one (21) years of age to enter into, remain within or loiter about a licensed premises.

5. Knowingly sell, deliver or furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient.

6. To open a retail container or consume alcoholic beverages on the premises of a retail package store; or for any operator of a retail package store or any person in charge thereof, to permit any person to open a retail container therein or consume alcoholic beverages therein.

7. To transport in any vehicle upon any street, alley or other public way within the city any alcoholic beverage except in the original container, which shall not have been opened and the seal of which shall not have been broken, and from which the original cap or cork shall not have removed, unless the opened container be in the truck or any closed compartment of other container out of public view and out of reach of the driver or any occupant of the vehicle.

8. To drink intoxicating liquor in public or to be intoxicated in a public place.

9. Who is the operator of a café, restaurant, club or any place of recreation, to permit any person to be drunk or intoxicated in such a place of business. [Ord. No. 693, 2/26/19]

§ 2-110 PENALTY.

A. Failure to Comply.

Any person, firm or corporation who engages in any business, profession, trade or occupation, or exercises any privilege, for which a license or permit is required by the Cod without a valid license or permit as hereby required, or who otherwise violates any provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction, punished by a fine not to exceed five-hundred dollars (\$500.00), plus court costs and penalties, if any. Each day of such violation shall constitute a separate offense. [Ord. No. 693, 2/26/19]

§ 2-111 REVOCATION OF LICENSE.

The governing body shall have the power, after public hearing, to revoke any license granted hereunder for violation of law or ordinance by the license holder. [Ord. No. 693, 2/26/19]

ARTICLE 2

NON-INTOXICATING BEVERAGES

- § 2-201 Definitions.
- § 2-202 License fee levied.
- § 2-203 License required.
- § 2-204 Compliance with law; expiration of license.
- § 2-205 Revocation of license.

- § 2-206 Prohibited location.
- § 2-207 Sale and purchase to or by minors.
- § 2-208 Persons under eighteen (18) not to be employed.
- § 2-209 Minors; possession of non-intoxicating beverages prohibited.
- § 2-210 Not to permit minors to frequent bars; exceptions.
- § 2-211 Intoxicated persons.
- § 2-212 Drinking in public.
- § 2-213 Hours of sale.
- § 2-214 Transporting open container.
- § 2-215 Definitions.
- § 2-216 Consumption of alcohol by minor in public place, place open to public, or place not open to public.
- § 2-217 Hosting, permitting, or allowing a party, gathering, or event where minors are consuming alcoholic beverages.

§ 2-201 DEFINITIONS.

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

1. "*Minor*" means a person who has not yet attained the age at which a person is permitted to consume non-intoxicating beverages under state law;

2. "*Non-intoxicating beverages*" mean all beverages containing more than one-half of one percent ($\frac{1}{2}$ of 1%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight; the same is hereby declared and sometimes referred to as low-point beer. Wherever the term "non-intoxicating beverage" or "non-intoxicating malt beverage" appears in the Oklahoma statutes, such term shall be construed to mean low-point beer.

3. "*Retail dealer*" means and includes any person who sells any low-point beer, as defined herein, at retail for consumption or use, and such definitions include state and county fair associations, and special licenses may be issued for the sale of low-point beer, as herein defined, by such associations, and to other persons for the sale of such low-point beer at rodeos, picnics, or other organized temporary assemblages of people. The term "retail dealer" also includes railways for the sale of such beverages, and licenses may be issued for each dining car or railway train, which railways and dining cars shall pay the same license fees as regular retail dealers.

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

§ 2-202 LICENSE FEE LEVIED.

A. There is hereby levied an annual occupation tax upon each retail dealer in non-intoxicating beverages for consumption on or off the premises and for sale of non-intoxicating beverages which are in original packages and are not for consumption on the premises, all as established in the city's fee schedule.

B. All such municipal license fee taxes shall be paid to the city clerk at the time of issuance of license and in the manner prescribed herein.

C. All license fees levied under the provisions of this chapter shall expire annually. The amount of any license fee levied shall be computed pro rata from the months remaining in the year. Such fees paid on or before the 15th day of any month shall be on the basis of the first day of the month and such fees paid after the 15th day of the month shall be on the basis of the first day of the next succeeding month.

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

Cross Reference: See also §2-107 for retail package stores.

§ 2-203 LICENSE REQUIRED.

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

§ 2-204 COMPLIANCE WITH LAW; EXPIRATION OF LICENSE.

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

§ 2-205 REVOCACTION OF LICENSE.

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

§ 2-206 PROHIBITED LOCATION.

It shall be unlawful for any place which has received a permit or which has been licensed to sell non-intoxicating beverage and which has as its main

purpose the selling or serving of non-intoxicating beverage for consumption on the premises to be located within three-hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities. The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such place which has received a permit or which has been licensed to sell non-intoxicating beverage. The provisions of this section shall not apply to places which have received a permit or which have been licensed to sell no-intoxicating beverage for on-premises consumption prior to the effective date of this section. If any school or church shall be established within three-hundred (300) feet of place subject to the provisions of this section after such place has received a permit or been licensed, the provisions of this section shall not be a deterrent to the renewal of such permit or license if there has not been a lapse of more than sixty (60) days. When any place subject to the provisions of this section which has a permit or license to sell non-intoxicating beverage for on-premises consumption changes ownership or the operator thereof is changed, and such change results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license or permit to the new owner or operator if he or she is otherwise qualified.

§ 2-207 **SALE AND PURCHASE TO OR BY MINORS.**

It is unlawful for any person, firm or corporation to sell, offer for sale, give away, procure for, or otherwise dispense to any minor any non-intoxicating beverage; or for any minor to purchase, receive or procure any non-intoxicating beverage.

§ 2-208 **PERSONS UNDER EIGHTEEN (18) NOT TO BE EMPLOYED.**

A. It shall be unlawful for any person under eighteen (18) years of age to be employed or permitted to work, in any capacity whatsoever, in a place where low-point beer is sold or dispensed for consumption on the premises.

B. It shall be unlawful for any person under the age of majority to be employed or permitted to work, in any capacity whatsoever, in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of low-point beer. The provisions of this subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of said beverages are incidental to the main purpose; however, the incidental service of food in the bar area shall not exempt a holder of a license to sell low-point beer for consumption on the premises from the provisions of this subsection.

C. A parent as regards the employment of his or her own child or children is excepted from the provisions of this section, provided that such

employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages.

D. The provisions of subsection A of this section shall not apply to any business or establishment where sales of said beverages do not exceed twenty-five percent (25%) of the gross sales of the business or establishment.

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

§ 2-209 MINORS; POSSESSION OF NON-INTOXICATING BEVERAGES PROHIBITED.

It is unlawful and an offense for any minor to consume or possess with intent to consume any intoxicating beverage or low-point beer as defined by state statute.

§ 2-210 NOT TO PERMIT MINORS TO FREQUENT BARS; EXCEPTIONS.

A. It shall be unlawful for any person to sell, barter, or give to any person under twenty-one (21) years of age any low-point beer.

B. It shall be unlawful for any person who holds a license to sell and dispense low-point beer for consumption on the premises, or any agent, servant, or employee of said license holder, to permit any person under twenty-one (21) years of age to be admitted to or remain in a separate or enclosed bar area of the licensed premises unless said person's parent or legal guardian is present, which has as its main purpose the selling or serving of low-point beer for consumption on the premises. The provisions of this section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of said beverages are incidental to the main purpose, as long as persons under twenty-one (21) years of age are not sold or served said beverages; however, the incidental service of food in the bar area shall not exempt a licensee, agent, servant, or employee from the provisions of this section.

C. It shall be unlawful for any person who holds a license to sell and dispense low-point beer, for consumption on the premises, or any agent, servant or employee of said license holder to permit any person under twenty-one (21) years of age to consume any low-point beer on the licensed premises.

D. Any person violating the provisions of subsection A, B or C of this section shall upon conviction be guilty of an offense.

E. No person under twenty-one (21) years of age shall consume or possess with the intent to consume low-point beer. It shall be unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase

low-point beer, except under supervision of law enforcement officers. Any person violating any of the provisions of this section shall be guilty of an offense. Provided, the provisions of this section shall not apply when such persons are under the direct supervision of their parent or guardian, but in no instance shall this exception be interpreted to allow such persons to consume such beverages in any place licensed to dispense low-point beer.

F. If the premises of a holder of a license to sell low-point beer contains a separate or enclosed bar area which has as its main purpose the sale or serving of low-point beer for consumption on the premises, no person under twenty-one (21) years of age shall enter, attempt to enter, or remain in said area. The provisions of this subsection shall not prohibit persons under twenty-one (21) years of age from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of said beverages are incidental to the main purpose, if the persons under twenty-one (21) years of age are not sold or served or do not consume low-point beer anywhere on the premises; however, the incidental service of food in the bar area shall not exempt persons under twenty-one (21) years of age from the provisions of this subsection. Any person convicted of violating the provisions of this subsection shall be guilty of an offense.

State Law Reference: Similar provision, 37 O.S. §§241, 246.

§ 2-211 INTOXICATED PERSONS.

It is unlawful for the owner, manager, or operator of a place where non-intoxicating beverages are sold for consumption on the premises to sell or otherwise furnish such beverages to an intoxicated person or to permit an intoxicated person to remain or be therein.

§ 2-212 DRINKING IN PUBLIC.

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

§ 2-213 HOURS OF SALE.

It is unlawful for any person, firm or corporation to sell non-intoxicating beverages for consumption on the premises, between the hours of 2:00 a.m. Sunday morning and 7:00 a.m. on the following Monday; and on other days of the week between the hours of 2:00 a.m. and 7:00 a.m. of the following day.

State Law Reference: Similar provisions, 37 O.S. §213.

§ 2-214 TRANSPORTING OPEN CONTAINER.

A. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating or non-intoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed unless the opened container is in the rear trunk or rear compartment. The rear trunk or compartment shall include the spare tire compartment in a station wagon or panel truck or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

B. For the purpose of this section "non-intoxicating beverage" shall be as defined in §2-201 of this code.

§ 2-215 DEFINITIONS.

For purposes of sections 2-215, 2-216 and 2-217 the following definitions shall apply:

1. "*Alcohol*" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

2. "*Alcoholic beverage*" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one (½ of 1%) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

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 of one percent ($\frac{1}{2}$ of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

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. (Prior Code §2-32; Ord. No. 2008-01, 4/8/08)

§ 2-216 CONSUMPTION OF ALCOHOL BY MINOR IN PUBLIC PLACE, PLACE OPEN TO PUBLIC, OR PLACE NOT OPEN TO PUBLIC.

Except as permitted by state law, it is unlawful for any minor to:

1. consume at any public place or any place open to the public alcoholic beverage; or
2. consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

§ 2-217 **HOSTING, PERMITTING, OR ALLOWING A PARTY, GATHERING, OR EVENT WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES.**

A. 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 gathering.

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 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 (a)(1) of this section.

B. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

C. Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.

D. 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 of alcohol will be held responsible in the same manner as a non-religious gathering.

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

F. Any person who shall violate the provisions of this section shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished for violation of a Class A offense, with fine of two hundred

dollars (\$200.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment, plus all court costs and statutory penalties, as set forth in §8-301 and any other provision of the code of ordinance of the city of Blanchard enacted to impose legally assessable costs and assessments for the violation of a provision of the code of ordinances of the city of Blanchard, Oklahoma.

Violations of this section may be prosecuted by the city of Blanchard criminally, civilly, and/or administratively as provided by the municipal code. The city may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedures provided by statute, ordinance, or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the city's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.

This section shall not apply where prohibited or preempted by state or federal law.

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CHAPTER 3

ANIMALS

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§ 3-101 **DEFINITIONS.**

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

1. *Abandon* means leaving an animal without making reasonable arrangements for assumption of custody by another person.
2. *Animal* means all vertebrate and invertebrate animals, including but not limited to, any dog, cat, bovine, cattle, horses and other equines, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild mammals, reptiles, fish or birds that have been tamed, domesticated or wild.
3. *Animal Control Officer* means any individual employed, contracted with, or appointed by the city manager for the purpose of the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals.
4. *Animal Shelter or Facility* means any premises officially designated by the city for the purpose of impounding and caring for animals found in violation of this chapter.
5. *At Large* means any animal not under restraint.

6. *Bite or Scratch* means a bite or scratch that breaks the skin and is capable of transmitting rabies.

7. *Bodily Injury* means injury to a human or animal which produces pain, trauma, loss of blood or tissue, or other injury to the injured human or animal, and which further causes or reasonably should cause a human or injured animal to seek medical treatment, and shall include injury resulting from the victim, whether human or animal, attempting to escape or prevent contact with the injured animal(s).

8. *Cat* means and includes any cat, both male and female, and every other animal of feline species at the age of two (2) months or older which is situated within the city limits for a period of fifteen (15) consecutive days or more.

9. *Cattery* means any premise operated for profit where there is being maintained or harbored a total of two (2) or more cats, except veterinary hospitals.

10. *Commercially Reasonable Sale* means include, but not be limited to, any auction which members of the public may attend and bid.

11. *Confined on the Premises* means that condition in which an animal is securely and physically confined and retained on and within the premises of the owner or keeper by means of walls or fences.

12. *Control* means leashed, penned, housed, held, electronic restraints or sheltered in a closed structure.

13. *Contracted Veterinarian* means a licensed veterinarian who has entered into a contract with the city to provide services pertaining to animal control.

14. *Court* means the Municipal Court of the City of Blanchard, Oklahoma.

15. *Dangerous Animal* means any animal that when provoked:

- a. approaches a person in a menacing fashion or apparent attitude of attack on public or private property;
- b. has a known propensity, tendency or disposition to attack, cause injury, or otherwise to threaten the safety of humans or domestic animals;
- c. has been on three (3) or more occasions at large; or.

- d. Is un-licensed.
16. *Dangerous Dog* means any dog that:
- a. has inflicted severe injury on a human being without provocation on public or private property;
 - b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans; or
 - c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer in writing and the dog thereafter kills or severely injures a domestic animal.
17. *Dog* means any dog, both male and female, or other animal of the canine species at the age of two (2) months or more which is situated within the city limits for a period of fifteen (15) days or more.
18. *Exotic Livestock* means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.
19. *Feral Animals* means animals that do not have an owner.
20. *Harboring* means any person who allows, keeps or care of any animal to habitually remain or lodge or to be fed with on his premises, home, store, yard, enclosure or place of business or any other premises in which such person resides or controls, shall be considered as harboring such animal.
21. *High Risk Animal* means any animal that has a high probability of transmitting rabies including but not limited to foxes, bats, skunks, coyotes, and raccoons.
22. *Holding Period* means the length of time that disaster animals are cared for by an animal shelter and not disposed of at least a minimum of three (3) days or more.
23. *Impound* means to take into custody or to place in the Animal Shelter or Facility of the City or other authorized confinement area.
24. *Inhumane Treatment* is hereby defined to include, but is not limited to, the following:

- a. Any physical punishment inconsistent with the health of such animal.
- b. Lack of food or water for more than a twenty-four (24) hour period.
- c. Knowingly permitting obvious nutritional deficiencies or other evident health problems involving any animal.
- d. Improper use of any collar or harness or a fixed leash for the purpose of confining any animal which results in flesh laceration, obvious pain or to cause choking to such animal.
- e. Depriving animal of adequate shelter.
- f. Inhumane killing or attempting to kill any animal.

25. *Kennel* means any premise operated for profit where there is being maintained or harbored a total of three (3) or more dogs, over three (3) months of age, except veterinary hospitals.

26. *Livestock* means all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

27. *Low Risk Animal* means any animal that has a low probability of transmitting rabies including but not limited to animals of the orders Marsupialia, Insectivora, Rodentia, Lagomorpha and Xenarthra.

28. *Neglect* means unreasonable deprivation of necessary food, care, or shelter.

29. *Neuter* means to render a male dog or cat unable to reproduce.

30. *Nuisance Dog* means any dog that:

- a. engages in any behavior that requires a defensive action by any person to prevent bodily injury; or
- b. when unprovoked, chases or approaches a person, including a person on a bicycle, in an apparent attitude of attack; or
- c. is maintained in an enclosure that does not sufficiently protect the public from the threat caused by the dog, considering the safety of the enclosure and the degree of aggressive and threatening behavior evidenced by the dog; or

- d. is at large and found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.
- e. engages in loud, frequent or habitual barking, howling, yelping or other noise or action that disturbs any person or neighborhood within the city limits.

31. *Observation Period* means the ten (10) days following a bite or scratch of a human by a mammal, during which the mammal's health status must be monitored.

32. *Owner* means any person or groups of persons, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal or animals.

33. *Pet* means any animal kept for pleasure, rather than utility.

34. *Possession* means actual possession or constructive possession.

35. *Potentially Dangerous Dog* means any dog that:

- a. when unprovoked inflicts bites on a human either on public or private property, or
- b. when unprovoked attacks a dog which results in the death of said dog either on public or private property.

36. *Premises* means a tract of land and the buildings thereon (if any).

37. *Primary Enclosure* means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

38. *Proper Enclosure of a Dangerous Dog* means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

39. *Quarantine Period* means that portion of the observation period, as defined, during which a biting or scratching mammal is physically confined for observation.

40. *Reclaim* means the taking back of possession of disaster animals by the owner or an agent of the owner.

41. *Releasing Agency* means any pound (municipal or otherwise), shelter or humane society organization, whether public or private.

42. *Restraint* means an animal shall be deemed to be under "restraint" within the meaning of this chapter if controlled by a leash not more than eight (8) feet in length or at "heel" beside a competent person and obedient to that person's commands, or confined on the premises of his owner or keeper.

43. *Severe Injury* means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

44. *Spay* means to remove the ovaries of a female dog or cat, in order to render said animal unable to reproduce.

45. *Sterilization* means to spay or neuter a dog or cat.

46. *Stray* means any animal which does not appear, upon reasonable inquiry, to have an owner.

47. *Tracking Information* means available information about the owner, physical description and health history of the animal, photographs of the animal, information about where the animal was found and transported to, recommended course of treatment and communications with an owner, including a holding period extension by contract.

48. *Unconfined Dangerous Animal* means a dangerous animal that is not:

- a. securely confined indoors on the premises of the owner;
- b. confined in a securely closed and locked pen or structure upon the premises of the owner;
- c. chained by a chain which will not allow it to come within six (6) feet of a fence which prevents the entry of young children on the premises of the owner; or
- d. on the owner's premises, unless such animal is securely chained or leashed and muzzled and under the owner's physical control.

49. *Unconfined Vicious Animal* means a vicious animal that is not:

- a. securely confined indoors while on the premises of the owner; or
- b. in a securely enclosed and locked pen or structure suitable to prevent entry or injury of young children and preventing the animal from escaping. Such pen or structure shall have secure sides and top and enclosed within a fence to prevent young children from approaching the pen or structure.

50. *Un-owned Animal* means any animal for which an owner has not been identified.

51. *Unreasonable Odor* means the emission of a smell that is foul or offensive to a person of normal sensibilities.

52. *Vaccination* means an injection of a vaccine for rabies and administered by a veterinarian licensed by the State of Oklahoma.

53. *Vicious Animal* means:

- a. any animal which has on two (2) or more occasions attacked, bitten or attempted to bite either a human or a domestic animal without undue provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite, any person or persons or a domestic animal when not unduly provoked; or
- b. an animal that has been adjudicated to be vicious and is either unlicensed or unconfined.

54. *Vicious Dog* means any dog that when unprovoked has attacked or bitten either a human or a domestic animal on public or private property.

55. *Wild Animal* means any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated; the term shall include such animals (hereinabove described) which may be owned by a circus or wild animal show or exhibition. [Ord. No. 2006-28, 9/12/06; Ord. No. 670, 3/27/18]

§ 3-102 ANIMALS NOT TO BE AT LARGE.

No owner shall permit any animal (including a dog, cat or fowl) owned, harbored, or kept by him to be at large within the city. It is unlawful for any animal to be at large at any time within the city. [Ord. No. 2006-28, 9/12/06; Ord. No. 670, 3/27/18]

§ 3-103 TURNING ANIMALS AT LARGE UNLAWFUL.

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large or in any manner to turn the animal at large. [Ord. No. 2006-28, 9/12/06; Ord. No. 670, 3/27/18]

§ 3-104 DISTURBANCES BY ANIMALS; PUBLIC NUISANCE ABATEMENT.

1. An animal is a nuisance which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the city limits. Any animal which scratches or digs into any flower bed, garden, tilled soil, shrubbery, and in so doing injures the same, or which habitually prowls around or over any premises not the property of its owner, to the annoyance of the owner or occupant of such premises, or which overturns any garbage can or vessel for waste products, or scatters the contents of same, or an animal which chases, attacks or kills any fowl or animal owned by another is also declared a nuisance. A female dog in season at large is a nuisance.

2. Abatement of such public nuisances shall be handled in accordance with the provisions of the "nuisances" chapter in this code of ordinances.

3. It is unlawful to own or harbor an animal which is determined to be a nuisance. [Ord. No. 2006-28, 9/12/06; Ord. No. 670, 3/27/18]

§ 3-105 CERTAIN ANIMALS NOT TO BE KEPT WITHIN CITY, EXCEPTIONS.

1. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the city of Blanchard, Oklahoma, except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.

2. If no specific provisions are listed in this code of ordinances for keeping of a particular type of animal, said animal type shall not be kept at all within the corporate limits of the city of Blanchard, Oklahoma.

3. Except as provided in this subsection, no swine shall be kept within the corporate limits of the city of Blanchard, Oklahoma. Those exceptions to this provision are as follows:

- a. Swine may be kept within the city of Blanchard if the location is appropriately zoned for swine.
- b. Swine may be kept temporarily at a stock yard awaiting transportation, at a packing house awaiting processing, or at a fair or exhibition for purposes of exhibition.

- c. No more than two (2) Asian pot-bellied swine of more than (3) months of age shall be permitted per residence regardless of zoning provided they be kept only for personal enjoyment and provided they be registered through a bona fide registry firm.
- d. If two (2) Asian pot-bellied swine are kept in the household, the owner must submit proof of state required vaccinations.
- e. Owners of Asian pot-bellied swine kept for personal enjoyment must file all documents including but not limited to the bona fide registry, vaccinations, and physical descriptions of the swine to Blanchard City Hall for record purposes. (Ord. No. 1994-03, 3/8/94; Ord. No. 2006-28, 9/12/06; Ord. No. 670, 3/27/18; Ord. No. 709, 9/24/19)

§ 3-106 BUILDINGS FOR ANIMALS, CONSTRUCTION AND CONDITIONS.

A. Every stable or building wherein any animal is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times and not be offensive or dangerous to the public health.

B. Every structure wherein any authorized animal is kept within the corporate limits of the city of Blanchard, 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 of such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times, except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

C. No building, structure, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept shall be maintained closer than forty (40) feet to any tenement, business or residence other than that occupied by the owner or occupant of the premises upon which such animal(s) are kept. Such premises shall be maintained in clean and sanitary condition free from objectionable odors. [Ord. No. 2006-28, 9/12/06; Ord. No. 670, 3/27/18]

§ 3-107 RESPONSIBILITIES OF OWNERS.

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

1. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
2. Owners shall provide proper care and treatment of their animals.
3. Owners shall not abandon their animals.
4. It shall be unlawful for any person to keep any animal for breeding purposes within the corporate limits of the city of Blanchard, Oklahoma, except in private, enclosed locations, entirely out of the public view, or to permit any such animals to have sexual intercourse in any place except a private, enclosed place. (This shall not be construed as permitting the conditional keeping of any animals otherwise prohibited or regulated by this code of ordinances.) [Ord. No. 2006-28, 9/12/06; Ord. No. 670, 3/27/18]

§ 3-108 VICIOUS, DANGEROUS ANIMALS UNLAWFUL; PERMIT AND INSURANCE FOR DANGEROUS OR VICIOUS ANIMALS; CONFINEMENT.

A. It is unlawful for the owner of a dangerous animal to permit the animal to be unconfined.

B. It is unlawful for the owner of a vicious animal to permit the dog to be unconfined.

C. No person shall transport a dangerous animal or a vicious animal in an open vehicle unless the animal is confined by leash or chain and muzzled or within a closed container.

D. It is unlawful to harbor or own a vicious animal. Such an animal shall be destroyed upon orders of the animal control officer or confined in an appropriate manner.

E. Owners of animals that have been adjudicated to be dangerous animals must purchase a permit, in such sum as set by motion or resolution by the city council, from the city clerk and provide proof of liability insurance issued in the amount of at least Twenty Thousand (\$20,000.00) Dollars, insuring the owner for any personal injuries or property damage inflicted by the dangerous animal.

F. Owners of dogs that have been adjudicated to be vicious animals must purchase a permit from the city clerk and provide proof of liability insurance issued in the amount of at least Fifty Thousand (\$50,000.00) Dollars, insuring the owner for any personal injuries or property damage inflicted by the vicious animal. [Ord. No. 670, 3/27/18]

§ 3-109 PASTURING IN PUBLIC AREAS UNLAWFUL.

It shall be unlawful for any person to stake, confine or pasture any animal on any public school grounds or other public property (federal, state, county, municipal or other), or on any railroad right-of-way, or any private property without the consent of the person owning or controlling such property. [Ord. No. 670, 3/27/18]

§ 3-110 CONFINING FEMALE DOGS AND CATS.

It is unlawful for any owner to fail to keep any female dog or cat which is in season under restraint. [Ord. No. 670, 3/27/18]

§ 3-111 KENNEL PERMITS.

A. It is unlawful for any person to keep more than three (3) dogs over three (3) months of age within the limits of the city, unless the area on which the dogs are kept is being used as a kennel and the area is properly zoned for a kennel.

B. Any person who is not in compliance with Subsection A set forth herein shall be permitted a reasonable amount of time needed to procure a zoning permit for kennels and thereafter shall be subject to the provisions of Subsection A as set forth herein.

C. Any person who violates Subsection A set forth herein shall upon conviction thereof, be punished as provided in §8-301 of this code. Every day's violation of any provision of this chapter constitutes a separate offense.

D. For purpose of this section, a person is defined as any natural person or sum total of individuals who occupy in common a dwelling located at one residential address. [Ord. No. 670, 3/27/18]

§ 3-112 CERTAIN DOGS RUNNING LOOSE TO BE KILLED.

The animal control officer, his designated representatives or any law enforcement officer of the city of Blanchard, Oklahoma, shall be required to kill any dog running loose within the corporate limits of the city of Blanchard, 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 (as provided by this chapter), without keeping said dog in the municipal pound for any period of time. [Ord. No. 670, 3/27/18]

§ 3-113 INSPECTIONS TO ENFORCE CHAPTER.

1. The local or county health official, the animal control officer, the city manager or any member of the city council, upon complaint of any person or on his own initiative, shall inspect any structure or place wherein an animal is kept.

2. The local or county health official or the animal control officer may issue any such reasonable order as 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 official or the animal control officer may make a complaint before the municipal judge against any person for violation of any provision of this chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaints. [Ord. No. 670, 3/27/18]

ARTICLE 2

LICENSE AND PERMIT REQUIREMENTS

- § 3-201 Dogs and cats sterilization.
- § 3-202 Registration and tags for dogs and cats.
- § 3-203 License application for dogs and cats.
- § 3-204 Tag to be placed on collar; lost tags.
- § 3-205 Tags, counterfeiting; placing on other dogs or cats.
- § 3-206 Licenses for poisonous snakes.
- § 3-207 Licenses for wild circus animals.
- § 3-208 License requirements for kennels and pet shops.

§ 3-201 DOGS AND CATS STERILIZATION.

1. No dog or cat may be released for adoption from a releasing agency unless said animal has been surgically spayed or neutered, or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be set by motion or resolution by the city council.

Ed. Note: Previous Deposit set at ten dollars (\$10.00).

2. The funds deposited with the releasing agency shall be refunded to the adopting party upon the adopting party's presentation of a written statement

signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless said animal was spayed or neutered within sixty (60) days of adoption in the case of adult animals, or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.

3. Releasing agencies may adopt any additional rules to implement the state Dog and Cat Sterilization Act, provided that, said rules do not conflict with the provisions or purpose of the state Dog and Cat Sterilization Act to require the spaying and neutering of all dogs and cats adopted from releasing agencies.

4. Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the releasing agency shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.

5. If requested to do so, releasing agencies shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.

6. Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest bearing account whenever feasible and releasing agencies shall allocate funds from said account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the releasing agency. The releasing agency shall maintain accurate records of accounts which fund spay/neuter programs.

7. Subject to the provisions and purposes of the state Dog and Cat Sterilization Act and other laws of the state of Oklahoma, releasing agencies may establish adoption standards for pets in their care; provided, that, in the case of public facilities, said standards must be reasonably related to the prevention of cruelty to animals, the responsible management of dogs and cats in the interest of preserving public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.

8. The provisions of the state Dog and Cat Sterilization Act shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners, nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of §§391-402 of Title 4 of the Oklahoma Statutes. Further, the state Dog and Cat Sterilization Act shall not be construed to interfere with municipal

ordinances that meet or exceed the dog and cat sterilization requirements set forth in the state Dog and Cat Sterilization Act. [Ord. No. 670, 3/27/18]

§ 3-202 REGISTRATION AND TAGS FOR DOGS OR CATS.

1. A fee as set by motion or resolution by the city council per year for every male or female dog or cat more than three (3) months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the city.

2. The tax levied in this section shall not apply to a dog or cat only temporarily brought and kept within the city for a period of less than fifteen (15) days, nor to a dog or cat brought within the city to participate in a dog or cat show, nor to a “seeing eye” dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.

3. The owner shall pay the tax levied to the city clerk or contracted veterinarian for every calendar year at the following times:

- a. Before the first day of January of each calendar year; or
- b. If the dog or cat is acquired or brought in the city after the first day of January, or becomes six (6) months of age after the first day of January, within fifteen (15) days after acquiring or bringing the dog or cat into the city or its becoming six (6) months of age. The fee for part of the year may be prorated based on the number of days left in the year, but in no instance shall the fee be less than one-half of the annual rate.

4. Before the city or contracted veterinarian accepts any money offered in payment of the tax for a dog or cat or issues a license for it, the person offering the tax shall present to the city clerk the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the calendar year, that is, since the thirty-first day of the preceding December. [Ord. No. 670, 3/27/18]

§ 3-203 LICENSE APPLICATION FOR DOGS AND CATS.

A. Written application for a dog or cat license and payment of the applicable annual license fee shall be made to the city clerk. The application shall include:

1. The name, telephone number and address of the applicant.
2. A description of the animal, including name, breed, color, gender and age.

3. A currently valid rabies certificate issued by a licensed veterinarian showing that said dog or cat has been vaccinated within the preceding twelve (12) months or thirty-six (36) months (depending on type of vaccination).

B. The annual license fee shall be at an amount set by motion or resolution of the City Council.

C. Support dogs which are professionally and specifically trained to assist disabled owners shall be exempt from the license fee.

D. If not revoked, such license will be effective for a period of one (1) year.

E. Upon acceptance of the license application, the city clerk shall issue the owner a metal license tag stamped with an identifying number for the dog or cat. The city clerk shall also issue the owner a license certificate which identifies the animal by age, gender, breed, color, name and owner, and which states the dates of issuance and expiration of the license. [Ord. No. 670, 3/27/18]

§ 3-204 TAG TO BE PLACED ON COLLAR; LOST TAGS.

A. The owner shall cause the tag received from the city clerk or contracted veterinarian to be affixed to the collar of the dog or cat upon which the tax has been paid so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog or cat at all times.

B. In the event a license tag or license certificate is lost before the end of the year for which it was issued, the owner may obtain a duplicate tag or certificate after paying the applicable fee as set by motion or resolution by the city council. [Ord. No. 670, 3/27/18]

§ 3-205 TAGS, COUNTERFEITING; PLACING ON OTHER DOGS OR CATS.

No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog or cat as provided in this article, or take from any dog or cat a tag legally placed upon it, or place such tag upon a dog or cat for which the tag was not specifically issued. [Ord. No. 670, 3/27/18]

§ 3-206 LICENSES FOR POISONOUS SNAKES.

1. No person shall keep, buy, or otherwise acquire from another, any poisonous snake within the city of Blanchard, Oklahoma, without first having obtained from the city clerk a license to keep, purchase or otherwise acquire such poisonous snake.

2. Said license shall not be issued by the city clerk until the applicant therefor has made satisfactory showing to the city clerk that he has ample and sufficient equipment to safely keep and confine any poisonous snake to be kept or acquired by him in the city.

3. To cover the costs of issuing such license, the necessary investigations preliminary to issuing such license and a part of policing (by seeing that any poisonous snakes so acquired by the licensee are safely kept and confined), the applicant shall pay to the city clerk, upon issuance of such license, a license fee set by motion or resolution by the city council; the license, so issued, shall be valid for a term of one year. The annual renewal fee for said license, once issued, shall be set by motion or resolution by the city council. [Ord. No. 670, 3/27/18]

Ed. Note: Previous license fee of one-hundred (\$100.00) dollars; annual renewal fee of ten (\$10.00) dollars.

§ 3-207 LICENSES FOR WILD CIRCUS ANIMALS.

1. All wild animals owned by a circus or travelling animal show shall not be permitted within the corporate limits of the city of Blanchard, Oklahoma, unless the owner or person in charge of said circus or show, or his designated representative, has first obtained a license for said animals from the city clerk.

2. Said license shall be issued by the city clerk upon submission of a written, signed statement by the applicant that he has provided ample safeguards to protect the public health, safety and welfare.

3. To cover issuance and enforcement costs, the applicant shall pay a fee set by motion or resolution by the city council to the city clerk, the written receipt may constitute the license.

4. Said license, so issued, shall be valid for a term of one month. [Ord. No. 670, 3/27/18]

Ed. Note: Previous license fee of twenty (\$20.00) dollars.

§ 3-208 LICENSE REQUIREMENTS FOR KENNELS AND PET SHOPS.

1. No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the city of Blanchard, Oklahoma, unless such kennel is licensed as hereinafter provided. (See the definition of "kennel" in §3-101, this code of ordinances.)

2. Application for such license shall be made to the city clerk and shall state the name and address of the owner or operator of said kennel, with the

street address and legal description of the property upon which the kennel is located; said kennel must be in compliance with any applicable portions of any present or future zoning ordinance adopted by the city of Blanchard, Oklahoma.

3. The annual kennel license fee set by motion or resolution by the city council and such license shall be exhibited in a conspicuous place on the premises; each animal kept in a kennel shall also be required to have all other appropriate licenses, tags, etc.

4. Licenses shall be issued for a period of one year beginning on the 1st day of July of each year. Licenses may be issued starting thirty (30) days before July 1, and for thirty (30) days thereafter, or at such time as a new kennel seeks to become operational.

5. A kennel owner must show proof of rabies vaccination on all animals over six (6) months of age when applying for a license.

6. Any person, firm or corporation maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this code of ordinances and any present or future zoning ordinance. Non-conforming kennels shall be deemed a public nuisance.

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

8. All pet shops, catteries and kennels shall:

- a. Maintain records and retain such records for a two (2) year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex, age, date and source of the animal, period for which the animal is maintained, date and disposition of the animal (including name and address of the new owner), and disease prevention and/or treatment and by whom;
- b. Provide general environmental conditions to assure adequate physical space for each animal, control of parasites, clean food and water, weather protection and clean and sanitary facilities; and
- c. Provide cages and pens of easily cleanable materials, if used for confinement, and keep such cages and pens clean and sanitary.

9. Pet shops shall be subject to the same requirements for licensing as kennels; in addition, any other requirements of this code of ordinances or of the adopted zoning ordinance which may involve specific animals sold in a pet shop,

shall also be included in those regulations applicable to pet shops. [Ord. No. 670, 3/27/18]

Ed. Note: Previous license fee of ten (\$10.00) dollars.

ARTICLE 3

ANIMAL SHELTER

- § 3-301 Animal shelter authorized; established.
- § 3-302 Impoundment of animals.
- § 3-303 Fees for impounding and keeping.
- § 3-304 Claiming of impounded animals.
- § 3-305 Sale of impounded animals of value.
- § 3-306 Owner may claim excess money.
- § 3-307 Breaking shelter.

§ 3-301 ANIMAL SHELTER AUTHORIZED; ESTABLISHED.

1. The city council is hereby authorized to establish an animal shelter, under the jurisdiction of the animal control officer. He shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

2. The animal shelter 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 city of Blanchard, Oklahoma. [Ord. No. 670, 3/27/18]

§ 3-302 IMPOUNDMENT OF ANIMALS.

1. It shall be the duty of the animal control officer (or any other designated officer or employee of the city authorized by the city manager), shall take into custody and impound any animal running at large in violation of the provisions of this chapter and may enter upon the premises of the owner or other private premises to take such animal into custody.

2. The animal control officer shall also proceed to impound any dog or cat that is running at large within the corporate limits of the city of Blanchard, Oklahoma, or that is not confined with a secure and suitable-sized leash (as provided in this chapter), regardless of whether or not the owner may have a permit, the dog has been vaccinated or the dog bears a tag.

3. The animal control officer shall immediately pick up and impound any and all dogs or cats which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this code of ordinances.

4. Any person appearing at the animal shelter who shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any dog or cat therein impounded, shall have such dog or cat returned to him, upon the payment of the charges due, as authorized by the provisions of this chapter.

5. Animals which are of no apparent value, taken into custody as provided in this chapter, shall be destroyed in a humane manner by the animal control officer, provided that no animal taken into custody shall be destroyed until such animal shall have been impounded at least 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 animal's detention.

6. Should any licensed institution request of the animal control officer that animals be delivered to it for scientific or educational research, such animals may be released to said institution, provided that no animal taken into custody shall be delivered to such institution until such animal shall have been impounded for at least three (3) days and remain unclaimed and unredeemed by their owners or any other person desiring such animal as a pet.

7. It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the municipal official or employee responsible for impounding animals. [Ord. No. 670, 3/27/18]

§ 3-303 FEES FOR IMPOUNDING AND KEEPING.

1. The fees for impounding and keeping an animal, to be paid upon redemption, shall be as determined by motion or resolution by the city council.

2. All fees shall be paid to the city clerk. Receipt for payment of fees on an impounded animal shall be presented to the animal control officer before the animal shall be released.

3. The animal control officer shall render monthly reports to the city manager, concerning animal shelter activities. [Ord. No. 670, 3/27/18]

§ 3-304 CLAIMING OF IMPOUNDED ANIMALS.

1. An owner of an impounded animal, or his agent, may claim or redeem the animal prior to its' sale, destruction or delivery to an institution, by paying the required fees against the animal and meeting any other requirements prescribed by this chapter.

2. Any person claiming an unlicensed dog shall pay the required license fee to the city clerk, secure a tag and present the receipt therefore and a

tag to the animal control officer before the latter releases the dog. If a dog is licensed, but not wearing the tag, the animal control officer shall require adequate evidence of proper licensing before the animal's release. [Ord. No. 670, 3/27/18]

§ 3-305 **SALE OF IMPOUNDED ANIMALS OF VALUE.**

1. As soon as practicable after any animal of apparent value has been impounded, the animal control officer shall thereupon post a conspicuously-visible notice thereof at the city hall or on the city's website or facebook. Such notice shall describe the animal, notify the owner to pay charges thereon and remove said charges prior to the time fixed for the sale thereof, and also state that unless the animal is claimed, the animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowl shall not be before the 3rd day after posting of the notice and the time of holding such sale for all other animals shall not be before the 10th day after the posting of the notice.

2. Sales provided herein shall be for cash to the highest bidder; the minimum bid shall cover fees for impounding and keeping the animal until the date of sale, plus a fee set by motion or resolution by the city council to reimburse the city of Blanchard, Oklahoma, for the sale expense, and shall be conducted by, or under the direction of, the city manager. If there is no bid, the city manager shall provide for and conduct another sale for the sale of such animal by posting notice thereof at the city hall, city's website or facebook, if he believes that a bid would be made at a later time; otherwise, after any offering of an impounded animal at a sale without a bidder, the animal shall be disposed of by the animal control officer as provided in this chapter.

Ed. Note: Previous fee set at five dollar (\$5.00).

3. A purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.

4. The chief of police shall pay to the city clerk or finance director all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of said city clerk or finance director is open for business. [Ord. No. 670, 3/27/18]

§ 3-306 **OWNER MAY CLAIM EXCESS MONEY.**

The owner of an impounded animal sold as provided herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the animal and a fee set by motion or resolution of the city council to reimburse the city of Blanchard, Oklahoma, for the expense it has incurred in making the sale. Such claim may be made at any time within ninety (90) days after the sale.

If a claim is so made and approved by the city council, the city clerk-treasurer shall pay the claimant the excess; if a claim is not so made, the excess shall belong to the city. [Ord. No. 670, 3/27/18]

Ed. Note: Previous fee set at five dollar (\$5.00).

§ 3-307 **BREAKING SHELTER.**

No unauthorized person shall:

A. Break or attempt to break open the shelter, or take or let out any animal therefrom.

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

C. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter. [Ord. No. 670, 3/27/18]

ARTICLE 4

CRUELTY TO ANIMALS

- § 3-401 Cruelty to animals.
- § 3-402 Poisoning animals.
- § 3-403 Encouraging animals to fight.
- § 3-404 Animal protection other acts prohibited.

§ 3-401 **CRUELTY TO ANIMALS.**

It shall be unlawful for any person knowingly, willfully or maliciously to:

A. Deposit any animal with the intention of abandoning the same.

B. Pour on or apply to an animal, any drug or other thing which inflicts pain.

C. Improperly use any collar, leash, harness, etc., resulting in pain or damage to an animal.

D. Treat an animal in a cruel or inhumane manner.

E. Neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

F. Kill, or attempt to kill, any animal in an inhumane manner. [Ord. No. 670, 3/27/18]

§ 3-402 POISONING ANIMALS.

It is unlawful for a person willfully to poison any dog or other animal, except a noxious, non-domesticated animal or knowingly to expose poison so that the same may be taken by such an animal. [Ord. No. 670, 3/27/18]

§ 3-403 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals, or to encourage one animal to attack, pursue or annoy another animal except a noxious, non-domesticated animal; or to keep a house, pit or other place used for fights between animals. [Ord. No. 670, 3/27/18]

§ 3-404 ANIMAL PROTECTION OTHER ACTS PROHIBITED.

A. It is unlawful for any person to deposit within the limits of this city any animal or animals with the intention of abandoning same.

B. It is unlawful to carry out inhumane treatment against any animal.

C. It is unlawful for any person to set out, dispose of, cause or permit any animal, to be exposed to any drug, chemical or other substance whatever, in any open place, whether public or private property; when such substances poisonous or capable of causing the death or dangerous sickness of any domestic or household animal.

D. Upon conviction of a violation of this chapter for inhumane treatment to any animal, it is unlawful for the owner or keeper of such animal to not release such animal kept in inhumane conditions to an animal control officer for disposition in accord with the provisions of this chapter. [Ord. No. 670, 3/27/18]

ARTICLE 5

EXOTIC ANIMALS

§ 3-501 Exotic animals.

§ 3-501 EXOTIC ANIMALS.

A. For the purpose of this article, a wild, exotic or dangerous animal means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or

vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, and other like animals.

B. It is unlawful to keep or harbor any wild, exotic or dangerous animal in the city or for display or for exhibition purposes, whether gratuitously or for a fee, except Subsection C of this section.

C. This section shall not apply to such animals kept for temporary periods of time for exhibition purposes only, by circuses, zoos, and educational institutions. The term temporary periods of time” as used in this article shall be defined as, and shall be limited to, a period of time not to exceed one week per year per applicant. [Ord. No. 670, 3/27/18]

Cross Reference: See also §3-108 on dangerous and vicious animals.

ARTICLE 6

ZONING ORDINANCE TO PREVAIL

§ 3-601 Zoning ordinance to prevail.

§ 3-601 ZONING ORDINANCE TO PREVAIL.

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

2. No animal shall be kept in violation of the zoning ordinance. [Ord. No. 670, 3/27/18]

ARTICLE 7

RABIES PROCEDURES

§ 3-701 RABIES CONTROL; VACCINATION REQUIREMENTS.

§ 3-701 RABIES CONTROL; VACCINATION REQUIREMENTS.

1. Any warm-blooded animal, capable of transmitting the virus rabies, maintained or harbored at any time in the city of Blanchard, Oklahoma, shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least three (3) years, and who shall issue the owner of such animal a vaccination certificate (which shall be retained by said owner until it expires and is renewed).

The failure to procure such certificate when so requested by the animal control officer shall be prima facie evidence that such animal has not been 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 or animal shelter. In case of animals whose ownership is unknown, such quarantine shall be at the municipal pound or animal shelter. Said animal may be reclaimed by the owner, if adjudged free of rabies; such owner shall then pay any related charges for confinement.

3. When an animal under quarantine has been diagnosed as being rabid, or is suspected of having rabies by a licensed veterinarian, and dies while under such observation, the animal control officer, veterinarian or other designated person, 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 city council a community-wide quarantine; upon the invoking of such quarantine by the city council, 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 city of Blanchard, Oklahoma, without written permission of the animal control officer.

5. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed; or, at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian; or, held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

6. No person shall remove from the city of Blanchard, 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 within the corporate limits of the city of Blanchard, Oklahoma, owning or harboring any dog or cat which is six (6) months old or older, to procure a rabies vaccination certificate from a licensed veterinarian, or agent authorized by the city council, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.

8. It shall be unlawful to not abide by the municipal vaccination requirements after fifteen (15) days of residency. [Ord. No. 670, 3/27/18]

ARTICLE 8

DANGEROUS DOGS

§ 3-801 Nuisance, potentially dangerous and dangerous dogs.

§ 3-801 NUISANCE, POTENTIALLY DANGEROUS AND DANGEROUS DOGS.

It shall be unlawful for any person to own, keep or harbor within the city any dog, licensed or unlicensed, which shall constitute a “nuisance” or “potentially dangerous” or “dangerous” dog.

1. The animal control officer or a police officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a “nuisance,” “potentially dangerous” or a “dangerous” dog by filing a complaint with municipal court clerk. Upon the issuance of a summons and notice to the owner, and upon the conclusion of a hearing, the municipal judge of the municipal court is authorized to enter a finding on the complaint and, if finding that the dog is a “nuisance,” “dangerous” or “potentially dangerous,” may order:

- a. The payment of court costs and fines in the maximum amount allowed by law;
- b. The installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented;
- c. The owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dog;
- d. The removal of the dog from the city limits. [Ord. No. 670, 3/27/18]

ARTICLE 9

PENALTY

§ 3-901 Penalty.

§ 3-901 PENALTY.

Any person, firm or corporation who violates any provision of this chapter, or who violates or neglects to carry out any reasonable order made by any health officer, the chief of police or the animal control officer, pursuant to this chapter, shall be guilty of an offense and, upon conviction thereof, be fined in a sum not to exceed the limits established in §8-301 of this code of ordinances, and shall be subject to revocation of any license or operating permit issued pursuant to the provisions of this chapter. Every day's violation of any provision of this chapter or of such order of the health officer, animal control officer or chief of police, shall constitute a separate offense. [Ord. No. 670, 3/27/18]

CHAPTER 4

BUILDING AND CONSTRUCTION

ARTICLE 1

CODES AND CODE ADMINISTRATION

- § 4-101 Codes adopted.
- § 4-102 Modifications of adopted codes.
- § 4-103 Adopted codes on file.
- § 4-104 Codes in effect.
- § 4-105 Conflicts with code of ordinances.
- § 4-106 Building inspector to enforce codes.
- § 4-107 Maintenance of historic sites; building code; dangerous conditions.

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PERMITS AND CERTIFICATES

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- § 4-202 Permits and fees for electrical inspection and services; requirements.
- § 4-203 Certificate of occupancy.
- § 4-204 House moving permit.
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- § 4-302 Scope.
- § 4-303 Definitions.
- § 4-304 Signs exempt from obtaining a permit.
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§ 4-402 House numbering system.
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ARTICLE 5

PENALTY

§ 4-501 Penalty.

ARTICLE 1

CODES AND CODE ADMINISTRATION

- § 4-101 Codes adopted.
- § 4-102 Modifications of adopted codes.
- § 4-103 Adopted codes on file.
- § 4-104 Codes in effect.
- § 4-105 Conflicts with code of ordinances.
- § 4-106 Building inspector to enforce codes.
- § 4-107 Maintenance of historic sites; building code; dangerous conditions.

§ 4-101 CODES ADOPTED.

The particular model 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 city of Blanchard, Oklahoma:

1. *Building Code.* The construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures:
2. *International Building Code.* Current edition, published by International Code Council;
3. *Plumbing Code.* The installation or alteration of plumbing and drainage systems for buildings and structures:
 - a. *International Plumbing Code.* Current edition, published by International Code Council;
4. *Electrical Code.* The installation or alteration of electrical equipment for buildings or structures:
 - a. *National Electric Code (NEC).* Current edition, published by National Fire Protection Association;
5. *Housing Code.* The provisions of basic, minimum housing standards for the preservation of the health, safety and welfare of occupants:
 - a. *International Residential Code.* Current edition, published by International Code Council;

6. *Fire Prevention Code*. The provision of basic safeguards to life and property from the hazards of fire and explosion:

- a. *International Fire Code*. Current edition, published by International Code Council;

7. *Gas Codes*. The installation or alteration of gas systems for buildings or structures:

- a. *International Fuel Gas Code*. Current edition, published by International Code Council;

8. *Energy Conservation Code*. The provision of basic standards for energy conservation in buildings and structures:

- a. *International Energy Conservation Code*. Current edition, published by International Code Council;

9. *Mechanical Code*. The provision of basic standards for mechanical installations in buildings and structures:

- a. *International Mechanical Code*. Current edition, published by International Code Council.

10. *Property Maintenance Code*. The provision of basic standards governing the maintenance of existing buildings:

- a. *International Property Maintenance Code*. Current edition, published by International Code Council. (Ord. No. 2006-32, 11/14/06; Ord. No. 586, 5/14/13)

§ 4-102 MODIFICATIONS OF ADOPTED CODES.

1. Wherever the words "city," "town" or "municipality" are used in those model construction codes adopted, it shall mean the city of Blanchard, Oklahoma.

2. Wherever the words "inspector," "building inspector" or "administrative official" are used in those model construction codes adopted, it shall mean the municipal official currently assuming the duties and responsibilities of municipal building inspector for the city of Blanchard, Oklahoma.

3. All official titles used in those model construction codes adopted shall be interpreted as defined in this code of ordinances.

4. Maximum penalties for violation of provisions of those model construction codes adopted shall be provided in the "penalty" section of this chapter.

5. Notwithstanding any provisions of any of those model construction codes adopted by this chapter, wood shingles may be used for roofing.

6. All limits, except "fire limits", referred to in any of those model construction codes adopted by this chapter are hereby established as the corporate limits of the city of Blanchard, Oklahoma.

§ 4-103 ADOPTED CODES ON FILE.

Three (3) copies of all of the codes referenced in §4-101 adopted by the city of Blanchard, Oklahoma, are on file in the office of the city clerk-treasurer.

§ 4-104 CODES IN EFFECT.

From the date on which this chapter shall take effect, the provisions of said codes, as herein modified, shall be controlling in those areas set forth hereinabove, within the corporate limits of the city of Blanchard, Oklahoma.

§ 4-105 CONFLICTS WITH CODE OF ORDINANCES.

Whenever any provision of any of those model construction codes adopted by this chapter conflict with the code of ordinances of the city of Blanchard, Oklahoma, the latter provisions shall govern.

§ 4-106 BUILDING INSPECTOR TO ENFORCE CODES.

Any certified municipal official, or other certified employee designated by the city manager, shall be responsible for enforcing the model construction codes adopted by this code of ordinances. Said persons may bear subtitles as "building inspector," "gas inspector," "plumbing inspector," "electrical inspector," etc., as may be deemed appropriate to indicate their respective areas of concern, and shall be appointed or designated by the city manager.

§ 4-107 MAINTENANCE OF HISTORIC SITES; BUILDING CODE; DANGEROUS CONDITIONS.

1. Every person in charge of an improvement on an historic site or in an historic District shall keep in good repair all of the exterior portions of such improvement and all interior portions which, if not so maintained, may cause, or tend to cause, the exterior portions of such improvement to fall into a state of disrepair. This section shall be in addition to all other provisions of law, local ordinance or codes requiring buildings or structures to be well maintained.

2. Insofar as they are applicable to a landmark, historic site or improvement in an historic district, any provision of the building code may be varied or waived, on application, by the municipal building inspector, provided such variance or waiver does not endanger public health or safety.

3. Nothing contained in this chapter shall prohibit the construction, reconstruction, alteration, demolition or any improvement on an historic site or in an historic district pursuant to written order of any federal or state agency or pursuant to any court judgment to remedy conditions determined to be dangerous to life or health. In such case, no approval from the preservation review commission shall be required.

ARTICLE 2

PERMITS AND CERTIFICATES

- § 4-201 Building permits.
- § 4-202 Permits and fees for electrical inspection and services; requirements.
- § 4-203 Certificate of occupancy.
- § 4-204 House moving permit.
- § 4-205 Pavement cutting permits.
- § 4-206 Liquefied petroleum gas state permits.
- § 4-207 Certificate of appropriateness for restoration work.
- § 4-208 Driveway permit required.

§ 4-201 BUILDING PERMITS.

1. No person shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, mobile, modular or manufactured home, or initiate any other construction without first obtaining a separate building permit for each such building or structure from the office of the city clerk-treasurer. Such permit shall be in addition to, and separate from, requirements for a zoning clearance permit, occupancy certificate or certificate of appropriateness.

2. No man-made change to improved or unimproved real estate located within a designated "flood hazard area," including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be initiated until a separate building permit has been obtained for each such operation from the office of the city clerk-treasurer.

- 3. a. No mobile, manufactured or modular home shall be located within the city limits of the city of Blanchard, Oklahoma, unless placed in a mobile home park without first obtaining an inspection permit for each such home from the office of the city clerk.

- b. The inspection permit fee for an owner-occupied mobile home or manufactured home that is to be installed by a state of Oklahoma licensed manufactured home installer and located in a mobile home park shall be twenty-five (\$25.00) dollar for an electrical and plumbing inspection.
 - c. The application for a inspection permit for a mobile home or manufactured home shall be accompanied with a legible copy of the manufactured home installer's license and the manufactured home installer shall within five (5) business days after the date that the mobile home or manufactured home is installed file a copy of the installation label and a copy of the 'record of installation' with the city clerk. No occupancy permit shall be issued until such time that all required filings have been made with the city clerk and all required municipal inspections have been satisfactorily completed.
4. All applications for building permits shall be signed and in writing, upon an official blank form supplied by the office of the city clerk-treasurer or the municipal building inspector, and shall be submitted to either of said officials, along with the required fee.
5. No building permit shall be issued until the prescribed fee therefore shall have been paid; nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost or increase in size of the building or construction, shall have been paid. For new construction the fees shall be as provided for in the schedule of fees set forth below (subsection 6). For a permit for the repair, remodeling, alteration or demolition of a building or structure, and for removal of a building or structure from one lot to another or to a new location within the same lot, the fees shall be provided for in the schedule of fees set forth below (subsection 6). In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated and adjustment of the fees made, and the portion of the fee for incomplete work returned to the permit holder; provided, that, no refund of a prescribed minimum fee shall be made. If the discontinuance is due to revocation of a permit, a similar adjustment and return may be made; provided, that, no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made, no work shall be resumed until a new application has been made and a new permit has been issued. Provided, further, that, no refund herein prescribed shall be made after expiration of six (6) months from the abandonment or discontinuance. The term "estimated cost" as used herein shall mean the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided, that, the cost of excavating or grading and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, shall not be deemed part of the estimated cost.

6. Building permit fees shall be as determined by the city council, and shall be based primarily upon the municipal costs incurred in the administration of the municipal building permit system, and shall be as shown below. Before any building permit shall be issued, the fees therefore must be paid to the office of the city clerk. The amount of such fees shall be as follows:

a. PLAN REVIEW FEES:

- | | | |
|----|--------------------------------|----------|
| 1) | Residential single-family | \$50.00 |
| 2) | Residential multi-family | \$100.00 |
| 3) | Commercial/public use building | \$100.00 |
| 4) | Towers | \$100.00 |

b. BUILDING PERMIT FEES:

i. Residential

- | | | |
|----|-------------------|------------------------|
| 1) | Building permit | \$20 + .06 per sq. ft. |
| 2) | Electrical permit | .06 per sq. ft. |
| 3) | Mechanical Permit | .06 per sq. ft. |
| 4) | Plumbing Permit | .06 per sq. ft. |
| 5) | Minimum Permit | \$50.00 |

ii. Commercial

- | | | |
|----|-------------------|------------------------|
| 1) | Building Permit | \$50 + .06 per sq. ft. |
| 2) | Electrical Permit | .06 per sq. ft. |
| 3) | Mechanical Permit | .06 per sq. ft. |
| 4) | Plumbing Permit | .06 per sq. ft. |
| 5) | Minimum Permit | \$50.00 |

c. ENVIRONMENT:

- | | | |
|----|----------------------------|---------|
| 1) | Water Well Drilling Permit | \$25.00 |
|----|----------------------------|---------|

d. SIGNS:

- 1) Non-lighted and lighted signs \$25.00.

e. SUBDIVISIONS:

1) Application for approval of preliminary plat:

- a) For developments with lots 2 acres or greater: \$250.00 plus \$4.00 per lot.
- b) For developments with lots less than 2 acres: \$250.00 plus \$2.00 per lot.

2) Application for approval a final plat: \$250.00

Note: Subsection 6, A through F was adopted by Ordinance No. 2004-05 approved on February 10, 2004.

- f. Any and all roof additions, unattached garages, carports, storage areas, fence erections, driveways, swimming pools, storm shelters, workshops, outbuildings, any and all construction not to be used for residential or commercial purposes, removal of structures, and demolition of structures: \$25.00
- g. The aforementioned building permit fees include any and all inspection fees for the necessary inspections of said construction by the city of Blanchard, Oklahoma.

7. The office of the city clerk-treasurer shall be responsible for the administration of the building permit process within said community; provided, that building permit application forms may be obtained from, and submitted to, the municipal building Inspector.

8. Applications for building permits shall contain all applicable information required on the building permit form, and shall be accompanied by drawings of the proposed work (drawn to scale), showing floor plans, structural details, computations and such additional information as may be required of the applicant by the office of the city clerk-treasurer, the municipal building inspector, the city manager, this code of ordinances or the city council.

9. Upon receipt of a complete building permit application and the required fee, the city clerk-treasurer shall immediately turn the application over to the municipal building inspector, who shall review the application to ensure that:

- a. The involved land is properly zoned for the proposed use;
- b. Applicable zoning district provisions (including floodway and floodway fringe district provisions), and any applicable historic preservation provisions, have been met;
- c. Dedicated roadway access is available;
- d. Adequate and sanitary provisions have been made for utilities, and fire protection is also adequate;
- e. All easements and street right-of-way areas provided in the recorded plat, if any, are not encroached upon;
- f. All other floodplain regulations, if applicable, have been met and the required information provided;
- g. All other required municipal permits and/or licenses have been obtained;
- h. PLATTING. No building permit shall be issued for the construction of any building or structure on any tract of land which has not been subdivided or platted in accordance with the code of ordinances and the adopted subdivision regulations of the city of Blanchard, Oklahoma, and filed of record, except as provided herein. A building permit may be issued when the tract of land on which the permit is sought is defined by metes and bounds description in a deed of conveyance, only if all of the following conditions exist:
 - 1) The permit being sought is to enlarge an existing building or structure, or to construct an accessory building;
 - 2) All required street rights-of-way shall have been previously dedicated;
 - 3) All required utility and drainage easements shall have been previously dedicated;
 - 4) All offsite improvements, as required, are approved by the city council accordingly:
 - a) If an existing water line is within one-hundred and fifty (150) feet of the property line, the applicant must extend the line to service the property;

- b) If an existing sanitary sewer line is within three-hundred (300) feet of the property line, the applicant must extend this line to service the property;
 - c) Paving of the street adjacent to the property line according to municipal standards;
 - d) The city council may grant an exception to the above where unusual physical conditions exist;
 - e) Nothing herein shall reduce or nullify any of the provisions of the city of Blanchard, Oklahoma's Subdivision Regulations Ordinance.
- i. IMPROVEMENTS. No building permit shall be issued for any lot prior to the construction of all offsite improvements as are required by the city of Blanchard, Oklahoma, and which have been accepted by the Blanchard, Oklahoma, city council.
- j. DEVELOPMENT PLAN. No building permit shall be issued for any development on any tract of land for which a development plan is required, unless such development is in conformity with the development plan submitted with the final plat or is in conformity with an amended development plan which has been re-submitted to the city council and the planning commission, to insure compliance with all applicable regulations.
- k. STREET IMPROVEMENTS. Prior to, and as a pre-requisite for, the issuance of a building permit for a residential or commercial building, on lots located in the original townsite of Blanchard, Oklahoma, the municipal building inspector shall determine that the property is accessible by a presently open, hard-surfaced public street or a private drive connecting to a presently open, hard-surfaced public street.
 - 1) In cases where the property does not adjoin a presently open, hard-surfaced public street, but does adjoin a dedicated street right-of-way over which a hard-surfaced street has not been constructed, no building permit shall be issued for construction on such property until such time as there has been construction of a hard-surfaced public street.
 - 2) The city council of the city of Blanchard, Oklahoma, may, as a condition of the issuance of such a building permit, require the construction of a hard-surface roadway over said right-of-way to such specifications as it deems necessary, given the

nature of the area and use expected. Nothing in this article shall be construed as authorizing construction in said right-of-way without a formal opening of such right-of-way by the city council.

10. Building permit applications for development, location, demolition or alteration within delineated "flood hazard areas" shall be consist with the regulations set out in chapter 15, article 4.

11. The municipal building inspector shall have the following additional responsibilities in the review of building permit applications for development, location, demolition or alteration within a delineated "flood hazard area."

- a. Building permit applications shall be reviewed to ensure that all necessary governmental agency permits required by state or federal law have been obtained.
- b. In the case of building permit applications for alteration or relocation of a watercourse, the municipal building inspector shall:
 - 1) Notify adjacent communities and the state flood insurance coordinating Office prior to such work (and submit copies of such notification to the federal flood insurance administrator); and
 - 2) Obtain written assurances from the building permit applicant that the flood-carrying capacity within the altered or relocated portion of the watercourse will be maintained.
- c. For the purpose of determining flood insurance risk premium rates, the municipal building inspector shall maintain records of:
 - 1) The elevation of the lowest habitable floor of all new or substantially-improved structures; and
 - 2) Flood-proofing certificates (including the specific elevation to which the structures are flood-proofed).
- d. When a regulatory floodway has not been designated, the municipal building inspector must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- e. The municipal building inspector shall utilize the full range of the community's floodplain management regulations in his review, including:
 - 1) §1-319 (Chapter 1 of "Code");
 - 2) §4-201 (Chapter 4 of "Code");
 - 3) §4-401 (Chapter 4 of "Code");
 - 4) §15-204 (Chapter 15 of "Code"; Zoning Ordinance);
 - 5) §15-302 (Chapter 15 of "Code" Subdivision Regulations);
 - 6) §15-401 (Chapter 15 of "Code"); and
 - 7) All other floodplain management policy resolutions, plans and data references available for his use.

12. Issuance of a building permit for development within an identified "flood hazard area" shall not create liability on the part of any municipal official for any flood damages resulting from reliance upon the provisions of this section, or any administrative decision lawfully made thereunder.

13. If the municipal building inspector is satisfied that the proposed work described in the application and attached materials conform to the requirements of the adopted zoning ordinance, building code and other regulations and requirements, he shall authorize the issuance of the building permit by signing the application and forwarding it to the office of the city clerk-treasurer, who shall return a copy to the applicant.

14. If the application or attached materials do not conform to pertinent municipal regulations, the municipal building inspector shall not approve said application, but shall return the application to the city clerk-treasurer, along with written reason(s) for disapproval. The city clerk-treasurer shall return the application, with written reason(s) attached, to the applicant. The applicant may subsequently amend his application, if possible, and re-submit it, or initiate other action to correct the deficiencies.

15. The municipal building inspector and the office of the city clerk-treasurer shall complete all required review processes in an efficient and effective manner, without unreasonable or unnecessary delay.

16. All approved plans shall be stamped with an approval stamp by the utilities superintendent, and one set of plans so approved shall become a part of the file of the building department; and an approved set of plans shall be kept

upon the site of the construction of the building. No plans shall be approved that are not in compliance with the ordinances of the city of Blanchard, Oklahoma. All plans and drawings submitted shall be to scale upon paper or cloth and drawn in ink, (or a blue print of the same) and shall show all dimensions, and all lot lines, sewer and drain pipes, electric outlets and wiring diagrams, and the location of all tanks, plumbing fixtures and underground structures. Before final approval, all plans must comply with the city's plumbing and electrical codes. Before a permit shall be issued for the erection of any reinforced concrete or structural steel structure, a complete set of structural plans and specifications shall be filed with the municipal building inspector showing the complete design and the placing and size of all bars and other reinforcing metal, the size of all concrete girders, beams, slabs, joist, columns, lintels, columns, etc. Such plans shall be the work of a competent structural or architectural engineer, whose name shall appear upon the plans. A permit to erect a reinforced or structural steel structure does not approve the construction until tests thereof have been made satisfactory to the municipal building inspector.

17. A building permit, once approved and issued, shall be construed as a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any municipal regulations, nor shall such issuance prevent the municipal building inspector from thereafter requiring a correction of errors in plans, construction or a violation of this code of ordinances.

18. If the work allowed under an issued building permit has not been initiated within six (6) months from the issuance date of said permit, such permit shall become null and void, unless a request for an extension is submitted to, and approved by, the city manager. If said permit becomes null and void, a new permit must be obtained and the regular fee incident thereto collected, in order for the work to be initiated or resumed.

19. The municipal building inspector shall keep a permanent and accurate accounting of all building permits, and shall transmit copies of each permit issued to the chairman of the municipal planning commission, for information purposes. The city clerk-treasurer shall keep a permanent and accurate record of all building permit fee payments.

20. The city clerk-treasurer may revoke a building permit in case there has been any false statement or misrepresentation as to a material fact in the application or attached materials on which the building permit approval was based.

21. Building permits shall be conspicuously displayed on the project or site, in a manner visible from the street.

22. The city clerk-treasurer and the municipal building inspector shall monitor municipal utility hook-up requests and shall not allow municipal utilities to be turned on to any unit, structure or project for which a building permit has not been issued.

23. Appeals from any aggrieved person concerning a decision of the office of the city clerk-treasurer relative to the granting of building permits, shall be taken to the city council, who shall act as the permit board of appeals for the city of Blanchard, Oklahoma.

24. In the event of any conflict between these building permit provisions delineated herein and any provision(s) of the building code adopted by the city council, the provisions of this chapter shall prevail.

25. Approval of plans shall not relieve the owner or agent of responsibility in complying with this article and the fact that any such approval plans contain matter contrary to the provisions of this article shall not be held as a bar to its strict enforcement.

26. Where the construction of any building or structure shall be of reinforced concrete or structural steel, the owner or his agent shall provide an inspector satisfactory to the municipal building inspector. Such inspector to be upon the work site continually during all construction. It shall be the duty of the owner or contractor to notify said inspector in advance of all stopping and starting of construction.

27. Upon the completion of the framing of any building or structure, and before any lath, plaster or other covering shall be applied to such framing, the same shall be inspected and approved by the municipal building inspector and an approval tag conspicuously placed thereon. Any covering in place prior to such approval shall be removed. In case any such framing shall not be approved by the municipal building inspector, a tag shall be conspicuously applied stating the non-approval of such framing, and it shall be unlawful to cover any such framing. It shall further be unlawful to remove or deface any such tag, and any person removing or defacing any such tag shall be deemed guilty of an offense and liable to prosecution. (Ord. No. 1985-3, 3/19/85; Ord. No. 2004-05, 2/10/04; Ord. No. 2009-02, 2/24/09)

§ 4-202 PERMITS AND FEES FOR ELECTRICAL INSPECTION AND SERVICES; REQUIREMENTS.

1. Electrical work on new buildings or re-modeling work shall require that the office of the city clerk-treasurer issue a permit for said work, consistent with the requirements of the city's adopted electrical code; said permit shall be issued upon application, but signed/approved only when the municipal electrical Inspector has completed his inspection of said work.

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

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

4. It shall be unlawful for any person not connected with the installation of the same, to in any manner disturb or interfere with any electrical wiring which is found to be in such a condition as to interfere with the completion of the building or the installation of other apparatus; the wiring contractor shall be notified and given time to make necessary changes. No wood or metal work not belonging to the electrical installation shall be placed within one inch of any exposed electrical conductor. Upon inspecting rough-in wiring that is to be concealed, the electrical inspector shall leave a notice in or near the main cabinet clearly stating whether the wiring is completed and approved or is to be kept open for correction or completion; no workman shall lath or in any manner conceal any electrical wiring until they are so advised that it has been approved.

5. The city council of the city of Blanchard, Oklahoma, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations; in all cases, persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of such decisions.

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

7. In all occupancies, lighting branch circuits shall be confined to one thousand (1,000) watts, and not more than eight (8) outlets per circuit will be allowed in the fire limits of the city of Blanchard, Oklahoma. Branch circuit conductors shall not be smaller than Number 12; Type "C" lamp cord will not be permitted in the kitchen of restaurants or like places where grease accumulates, nor in parts of a building where live poultry is confined.

8. A circuit of not less than Number 12 wire shall be installed in basements in any area subject to floods. Ground connections shall not be made in toilets, adjacent to salt storage, acid vapors, or in any location where the grounding conductor and fitting is likely to become corroded.

§ 4-203 CERTIFICATE OF OCCUPANCY.

1. No new building shall be occupied, and no change in the use of a building or part of a building or tract of land shall be made, until the municipal building inspector shall have issued a certificate of occupancy therefor; issuance shall be conditioned upon passing an inspection for compliance with all applicable provisions of this code of ordinances.

2. The fee for such certificate, to be paid to the office of the city clerk-treasurer upon application, shall be twenty-five dollars (\$25.00).

§ 4-204 HOUSE MOVING PERMIT.

1. Before any person shall move any house, building or heavy structure (but not including a mobile or manufactured home) on or over any street within or through the city of Blanchard, Oklahoma, it shall first be necessary to obtain a house moving permit to do so from the office of the city clerk-treasurer; said permit shall first be approved by the chief of police or the city manager.

2. The fee for a permit to move such house or structure shall be twenty-five dollars (\$25.00). In the event it is necessary to move utility lines, poles, signs or other structures to facilitate the move, the cost therefor will be paid by the applicant, in addition to the normal fee.

3. No permit shall be issued to any person to move a house or structure unless the person has in effect a bond or a cash deposit with the city clerk-treasurer in the sum of one-thousand dollars (\$1,000.00), conditioned that the mover will indemnify the owners of any property (public or private, including pavement, curbs, etc.) for any damage thereto resulting from the moving of any house or structure by him or his agents or employees, and holding the city of Blanchard, Oklahoma, harmless from liability for any such damages.

4. It shall be the duty of the city manager or the chief of police to approve or 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 the protection of persons and property. The mover shall erect all necessary danger signals during the operation of moving.

5. Any person moving any house or any other structure on or over any street or alley, shall be liable personally and upon his bond for any damages to

trees, public property, persons or any matter whatsoever resulting from such moving. This shall not be construed to authorize any person to cut or trim any trees, or commit any injury to any public or private property which cannot be immediately restored to its former condition, and no permit shall authorize any moving under any conditions which will promote such damage.

§ 4-205 **PAVEMENT CUTTING PERMITS.**

1. It shall be unlawful for any person to cut any pavement on any street or alley within the city of Blanchard, Oklahoma, without a pavement cutting permit from the office of the city clerk-treasurer; said permit shall first be approved by the city manager.

2. An estimate of the cost of repairing such pavement cut shall be made by the city manager, and a deposit equal to the amount of the estimate shall be made by the applicant, in addition to a permit fee of twenty-five dollars (\$25.00).

3. The city may, at its option, either make repairs of the pavement which has been cut under the provisions of this section, and charge the costs of such repairs to the deposit herein provided, or require that the person cutting the pavement make the repairs; in the latter case, the person's deposit shall be returned, upon satisfactory repair of the pavement, in accordance with municipal standards. Any balance remaining after all such costs are paid shall be returned to the person making said deposit.

4. Any person cutting such pavement shall maintain proper safeguards, with suitable lights during the night hours, sufficient in number to give warning of danger to all persons.

§ 4-206 **LIQUEFIED PETROLEUM GAS STATE PERMIT.**

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 of liquefied petroleum gas, except by retail customers, in reasonable amounts, strictly intended for their own use, shall be permitted within the corporate limits of the city of Blanchard, Oklahoma.

§ 4-207 **CERTIFICATE OF APPROPRIATENESS FOR RESTORATION WORK.**

1. The purpose of issuing a certificate of appropriateness is to make all concerned parties aware that all required submittals and approvals have been completed and that the proper permit may be issued for the start of work.

2. The certificate of appropriateness is required before a building permit is issued for any of the following to occur in an historic district or on a designated historic landmark or site:

- a. Demolition of property;
- b. Moving of property;
- c. Material change(s) such as exterior reconstruction, alteration or color changes other than those approved in the original application; or
- d. Building of new structures or property.

3. The following procedures shall be used for applications:

- a. A ten dollar (\$10.00) filing fee shall be collected by the office of the city clerk-treasurer.
- b. The applicant shall submit for review any sketches, plans, drawings, photos or other information which would clearly show the preservation review commission what changes will be made.
- c. The application shall be filed with the city clerk-treasurer.
- d. The certificate of appropriateness shall be reviewed by the preservation review commission in generally the same manner as a re-zoning application and request.
- e. If work authorized by a certificate of appropriateness is not begun within sixty (60) days, the certificate of appropriateness shall expire and re-application must be made, unless a thirty (30) day extension is granted by the preservation review commission; no more than two (2) extensions may be permitted on one project.

§ 4-208 **DRIVEWAY PERMIT REQUIRED.**

1. It shall be unlawful for any person to construct an asphalt or concrete driveway upon or across any public easement or right-of-way within the

city of Blanchard, Oklahoma, without a driveway permit from the office of the city clerk-treasurer; said permit shall, before its issuance, be approved by the public works director and there shall be endorsed on the face of said permit a notice that the city of Blanchard, Oklahoma, may, at any time, and without compensation or notice to the property owner, remove the portion of said driveway when any department of the city or the Blanchard Municipal Improvement Authority deems removal necessary for public purposes.

2. The cost of a permit for the purposes set forth in this section shall be zero dollars (\$0.00). (Ord. No. 1993-06, 9/14/93)

ARTICLE 3

SIGN REGULATIONS

§ 4-301	Intent.
§ 4-302	Scope.
§ 4-303	Definitions.
§ 4-304	Signs exempt from obtaining a permit.
§ 4-305	Permit requirements.
§ 4-306	Nonconforming signs.
§ 4-307	General requirements.
§ 4-308	Prohibited signs in all zoning districts.
§ 4-309	Signs requiring a conditional use permit in all zoning districts.
§ 4-310	Signs permitted by type.
§ 4-311	Maintenance standards.
§ 4-312	Penalties.
§ 4-313	Substitution clause.

§ 4-301 INTENT.

This article provides content-neutral sign standards that allow legitimate signage for agricultural, residential, professional office, business, and industrial activities. The purpose of this article is to:

- A. Protect the health, safety, and general welfare of the citizens of the City of Blanchard, Oklahoma;
- B. Reduce intrusions and protect property values;
- C. Improve traffic and pedestrian safety, by minimizing undue distractions to the motoring public;
- D. Protect the rights of individuals and businesses to convey their messages through signs;

- E. Ensure the fair and consistent enforcement of sign standards;
- F. Protect the tourism industry by promoting a pleasing community image; and
- G. Enhance and strengthen economic stability. (Ord. No. 650, 2/28/17)

§ 4-302 SCOPE.

These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within the corporate limits of the City of Blanchard, Oklahoma. (Ord. No. 650, 2/28/17)

§ 4-303 DEFINITIONS.

The definitions contained in this section shall be applied in the interpretation of all sections within Article 3 of this ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular.

1. Abandoned Sign: Signage that has been neglected and fallen into disrepair.
2. Flashing or Blinking: Illumination which changes in copy or intensity more often than an eight-second interval.
3. Government Sign: Temporary or permanent, erected by government employees or officers in the performance of their professional/ elected duties, on public property, right -of -way, or easements.
4. Illegal Sign: A sign erected in violation of the provisions of this article, or without first having been permitted.
5. Illuminated Sign: Emits or reflects artificial light, as provided in Section 4-307.
6. Nonconforming Sign: A sign which was erected prior to the passage of this ordinance, but does not comply with the provisions of this article.
7. Rotating or Moving Sign: Any portion of which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.

8. Sight Triangle: A triangle with dimensions of twenty feet from the intersection of the two exterior lanes of intersecting traffic, and a connecting line between the two. Sight triangles are implemented to ensure driver and pedestrian visibility.

9. Sign: Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.

10. Sign Clearance: The vertical distance between the lowest point of any sign and the highest finished grade at the base of the sign.

11. Sign Copy: Any word, figure, number, symbol, or emblem affixed to a sign. (Ord. No. 650, 2/28/17)

§ 4-304 SIGNS EXEMPT FROM OBTAINING A PERMIT.

The following signs are exempt from the provisions of this Article and are, therefore, exempt from the requirement to obtain a sign permit:

A. Signs not visible beyond the boundaries of the property upon which they are located.

B. Government signs that are placed by government officers in the performance of their professional/elected duties, on public property, right-of-way, or easements; including, but not limited to:

1. Traffic signage;
2. Public meeting, event, or other notification signage;
3. Wayfinding signs.

C. Signs erected by public utility companies or construction companies in the performance of their professional duties.

D. Vehicle signage when painted directly on a vehicle or attached magnetically.

E. Temporary signage of three (3) square feet or smaller placed for no longer than thirty (30) days, on private property, with the expressed approval of the property owner.

F. Window signage which covers no more than fifty (50) percent of the total window area of a building.

G. Lettering or signage necessary to display 911 addressing, and identification of property.

H. Signage of six (6) square feet or smaller placed for the purpose of posting information (e.g. "No Trespassing" signs).

I. Change of copy on any sign where the framework or other structural elements are not altered.

J. Signage which is erected and displayed at the date of adoption of this article.

K. Type "D" signs placed in accordance with this ordinance, subject to all of the size, placement, and maintenance restrictions of type "D" signs. (Ord. No. 650, 2/28/17)

§ 4-305 PERMIT REQUIREMENTS.

A. No sign shall be displayed, erected, relocated, or altered within the corporate limits of the City of Blanchard, Oklahoma, except those outlined in Section 4-304 of this article, unless all necessary permits have been issued by the City of Blanchard. Applicants shall submit an application form to the permits clerk for review before any permit may be issued.

B. Applications will require the following items to be permitted: 1. Site plan showing the proposed sign location 2. Construction document showing the complete visual descriptions, including dimensions

C. Signs shall only be erected or constructed in compliance with the approved permit.

D. Applicants shall obtain an electrical permit for signs that require electrical service.

E. Signs permitted as an accessory to a legal, nonconforming use shall be subject to the regulations of the zoning district in which the nonconforming use is located.

F. Permitting and inspection of signs shall be done in accordance with Section 4-201 of the Code of Ordinances of the City of Blanchard, Oklahoma.

G. Permitting and inspection fees for signs shall be done in accordance with Section 4-201 of the Code of Ordinances of the City of Blanchard, Oklahoma. (Ord. No. 650, 2/28/17)

§ 4-306 NONCONFORMING SIGNS.

Any sign constructed before the effective date of this ordinance, which does not comply with the provisions of this article, may continue in existence as long as it is properly maintained in good condition. These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

- A. Changed to another nonconforming sign except where only the face or copy is changed;
- B. Structurally altered so as to increase the degree of nonconformity of the sign;
- C. Expanded or enlarged;
- D. Reestablished after its removal; or
- E. Moved to a new location, unless the location would bring the sign into conformance with the provisions of this article. (Ord. No. 650, 2/28/17)

§ 4-307 GENERAL REQUIREMENTS.

All signs in all zones shall meet the following requirements:

A. Illuminated Type "A," "B," and "C" signs are permissible if not specifically excluded in the appropriate section for a zoning district, subject to the following requirements:

- 1. Illumination from an exterior source aimed at the sign should be aimed and shone from above the sign, and shielded to minimize light pointed into the sky.
- 2. Lighting of Type "A" or "B" signs shall be extinguished no later than 10 p.m. nightly, or thirty minutes after store closure, whichever is later.
- 3. Illuminated signs shall be located in a fashion which prevents direct rays of light from shining beyond the property lines of the lot on which the sign is located.
- 4. The copy of any internally illuminated sign shall change at a maximum rate of one (1) time per eight (8) seconds.

B. No light, sign, or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal, or device or use any

words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.

C. No sign shall be attached to or painted on any tree, utility pole, or street light.

D. Signs which project over a sidewalk, or other path shall have a minimum clearance of eight (8) feet.

E. No sign shall be located within the sight triangle of any intersection.

F. No sign shall be placed in or project into any public property, easement, or right-of-way, except for government signs that are placed by government officers in the performance of their professional/elected duties.

G. Freestanding, monument, and projecting face sign area shall be computed as follows:

1. The area enclosing the perimeter of each cabinet shall be calculated to determine the area.

2. The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing) provided there is no written copy on such embellishments.

3. Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign's base.

H. Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.

G. Any sign constructed, erected, relocated, placed or altered on or after the effective date of this article, including those for which a permit is not required, which is not in accordance with the requirements listed in this section, shall be considered in violation of this ordinance. (Ord. No. 650, 2/28/17)

§ 4-308 PROHIBITED SIGNS IN ALL ZONING DISTRICTS.

The following signs and/or sign features shall be prohibited in all zones:

A. Rotating or moving signs;

B. Abandoned signs;

C. Any sign which emits any noise or odor;

D. Any sign which exists or extends, in whole or in part, onto any public property, easement, or right-of-way, or private property without written approval of the land owner; and

E. Flashing or blinking signs. (Ord. No. 650, 2/28/17)

§ 4-309 **SIGNS REQUIRING A CONDITIONAL USE PERMIT IN ALL ZONING DISTRICTS.**

Only the Board of Zoning Adjustments shall have the authority to approve sign variances or conditional use permits for signs unless a request is made to the Planning Commission in conjunction with a Development Plan. Applications for these signs shall be submitted and processed as outlined in Article 8 of the City of Blanchard Zoning Ordinance. (Ord. No. 650, 2/28/17)

§ 4-310 **SIGNS PERMITTED BY TYPE.**

Any sign not specifically permitted shall be prohibited.

A. Type "A" Signs: Signs permanently attached against building fronts, or parallel to the face of a building or any structure, or atop a canopy or awning.

1. Permitted in all Residential, Agricultural, and Suburban Districts:

a. One sign not exceeding two (2) square feet in area per side.

b. Sign shall not be illuminated.

2. Permitted in all Commercial and Industrial Districts:

a. Signs shall not exceed sixty-four (64) square feet in area per side.

b. There shall be no more than two signs allowed for each business on the premises.

3. Regulations of all Type "A" Signs, Regardless of District:

a. Any projection over fifteen (15) inches from the building or structure to which it is attached shall be no less than eight (8) feet above the passageway beneath it.

b. No sign shall project more than six (6) feet from the building or structure to which it is attached.

c. No sign shall project higher than the building or structure to which it is attached.

- d. No sign shall be considered type "A" which advertises or directs attention to a business, commodity, service, or activity which is conducted, sold, or offered elsewhere than on the premises on which the sign is located.

B. Type "B" Signs: Signs which are self-supporting and structurally independent from any building; are permanently installed or anchored into the ground; and are intended to advertise or direct attention to a business, commodity, service, or activity which is conducted, sold, or offered on the premises on which the sign is located.

1. Permitted in all Residential, Agricultural, and Suburban Districts:

- a. Signs shall not exceed thirty-two (32) square feet in area per side; nor exceed eight (8) feet in height.

2. Type "B" signs in Residential Districts shall be only for the identification of subdivisions and/ or housing complexes.

3. Type "B" signs in Agricultural and Suburban districts within platted subdivisions shall be only for the identification of subdivisions and /or housing complexes.

- a. One (1) type "B" sign shall be permitted on Agricultural or Suburban zoned lots NOT within a platted subdivision, subject to the following requirements.

4. Signs shall not exceed thirty-two (32) square feet in area per side; nor exceed eight (8) feet in height.

5. Signs shall not be illuminated.

6. Permitted in Commercial Districts C-1 through C-5, and all Industrial Districts. Permitted upon review in Commercial District C-6 "General Commercial District:"

- a. One (1) principal sign will be permitted per lot, subject to the following requirements:

- 1) The sign area shall not exceed two hundred (200) square feet per side.

- 2) The sign shall not exceed thirty-five (35) feet in height.

- b. Secondary signs shall not exceed forty-eight (48) square feet in area; nor exceed ten (10) feet in height.

- c. The maximum quantity of type "B" signs is as follows:
 - 1) One (1) principal sign, and
 - 2) Two (2) secondary signs per parcel, unless;
 - a) Multiple businesses are located on the same parcel, in which case;
 - b) One (1) principal sign, and
 - c) One (1) secondary sign per business located on the parcel, are permitted.

7. Regulations of all Type "B" Signs, Regardless of District:

- a. Any pole used for the structure of a sign shall be painted, covered, or wrapped in a veneer of brick, stone, or another material which completely covers the pole.
- b. The base of all support poles shall be wrapped in a veneer of brick, stone, or another material, or shall be landscaped so that the connection of a pole to the ground is completely obscured from a passing view.

C. Type "C" Signs: All permanent signs which advertise or direct attention to a business, commodity, service, or activity which is conducted, sold, or offered elsewhere than on the premises on which the sign is located. Commonly referred to as billboards, type "C" signage includes all permanent off-premise signage.

1. Permitted in Commercial Districts C-1 through C-5, and all Industrial Districts, upon review:

- a. Signs which shall not exceed three hundred (300) square feet in area per side; nor exceed twenty (20) feet in height.
- b. Type "C" signs shall not be constructed within:
 - 1) Three hundred (300) feet of another type "C" sign;
 - 2) Fifty (50) feet of the property line of any parcel located in a Residential zoning district; or
 - 3) One hundred (1 00) feet of the nearest residential structure.

- c. Any pole used for the structure of a sign shall be painted, covered, or wrapped in a veneer of brick, stone, or another material which completely covers the pole.
 - d. The base of all support poles shall be wrapped in a veneer of brick, stone, or another material, or shall be landscaped so that the connection of a pole to the ground is completely obscured from a passing view.
2. Prohibited in all Residential, Suburban, and Agricultural Districts:
- D. Type "D" Signs: All signs temporary in nature.
1. Permitted in all Zoning Districts:
- a. One (1) principal temporary sign, subject to the following restrictions:
 - 1) The sign area shall not exceed than sixty-four (64) square feet.
 - 2) The sign shall not exceed ten (10) feet in height.
 - 3) The sign shall be removed within ten (10) days after the final event, occasion, sale of property, certificate of occupancy, or election to which the sign refers.
 - b. Any sign not classified as the principal temporary sign shall not exceed thirty-two (32) square feet; nor exceed ten (10) feet in height.
 - 1) Signs within this category shall be removed within ten (10) days of the conclusion, event, election, sale, or advertised activity to which they pertain, and shall be removed within sixty (60) days after erection of the sign.
2. Maximum Aggregate Type "D" Sign Area:
- a. Sixty-four (64) square feet in all Residential, Suburban, and Agricultural Districts, and Commercial District C-6, "General Commercial District."
 - b. Two hundred (200) square feet in Commercial Districts C-1 through C-5, and all Industrial Districts.
3. Requirements of all Type "D" Signs:

- a. Type "D" signs shall be placed only on private property. Placement of type "D" signs on public property, or within a public right-of-way, shall be considered a violation of this article, and subject to immediate removal of the sign and/or fines.
- b. Construction and placement of type "D" signs shall be done in a manner in which the sign will be stable and resistant to damage or removal by forces of nature, and subject to section 311 of this Article. (Ord. No. 650, 2/28/17)

§ 4-311 MAINTENANCE STANDARDS.

Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times. Failure to maintain signs in accordance with the provisions of this Article shall be considered a violation of the Article. (Ord. No. 650, 2/28/17)

§ 4-312 PENALTIES.

Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Article 5 of this Chapter of the Code of Ordinances of the City of Blanchard, Oklahoma. (Ord. No. 650, 2/28/17)

§ 4-313 SUBSTITUTION CLAUSE.

The contents of this chapter regulate the bulk and placement of signs within the corporate limits of the City of Blanchard. The City of Blanchard shall not regulate signs based on their content. This provision prevails over any more specific provision to the contrary. (Ord. No. 650, 2/28/17)

ARTICLE 4

MISCELLANEOUS PROVISIONS

- § 4-401 Flood-prone areas.
- § 4-402 House numbering system.
- § 4-403 Fire limits.
- § 4-404 Movement of frame buildings.
- § 4-405 Plumbers' registration required; fees; bonds.
- § 4-406 Electricians' registration required; fees.
- § 4-407 Mechanical contractors; registration and licensing.
- § 4-408 Grease, oil and sand interceptors.
- § 4-409 Off-street parking.
- § 4-410 Wind energy conversion systems.
- § 4-411 Officers and employees not liable.

§ 4-401 FLOOD-PRONE AREAS.

1. The planning commission and the city council shall review subdivision and other development proposals to determine whether such proposals will be safe from flooding.

2. If a subdivision or other development proposal is in a flood-prone area, the planning commission and the city council shall ensure that such proposals are consistent with the community's adopted comprehensive plan and chapter 15, article 4 of this code.

Editor's Note: Numerous provisions in this section were deleted for consistency with chapter 15, article 4 of this code.

§ 4-402 HOUSE NUMBERING SYSTEM; CLEAR DISPLAY OF NUMBER.

1. All buildings and houses in the city of Blanchard, Oklahoma, shall be numbered. The city manager, or his designee, shall be responsible for designating the proper numbers for houses and buildings. The city clerk shall maintain records disclosing the proper street number of every lot within the city of Blanchard.

2. The north and south base line shall be north and south Main streets, and their logical straight-line extension; all buildings east of the base line shall be known and numbered as east, and all buildings west of the base line shall be known and numbered as west.

3. The east and west line shall be Broadway Avenue, and its logical straight-line extension; all buildings north of this line shall be known and numbered as north, and all buildings south of this base line shall be known and numbered as south.

4. There shall be one-hundred (100) numbers applicable to each block, beginning with "one" on the odd side and "two" (2) on the even side of the street.

5. Each twenty-five (25) feet of frontage on each block shall be entitled to a separate number.

6. The first (1st) block from the base line in either direction shall be given numbers from one to ninety-nine (99), and the 2nd block shall be given numbers from one-hundred (100) to one-hundred and ninety-nine (199), and so on in consecutive order by one hundred (100) to one hundred ninety-nine (199), and so on in consecutive order by one hundred's (100's) to each block in succession.

7. The even numbers shall be on the east side of the streets extending north and south, and on the south side of the streets extending east and west; the odd numbers shall be on the opposite side of such streets.

8. The affix "one-half" ($\frac{1}{2}$) shall be added to the last number in designating stairway or garage apartments.

9. It shall be the duty of the owner of every house, building or structure within the city of Blanchard, Oklahoma, to have placed thereon, in a place visible from the street, figures at least two and one-half inches ($2\frac{1}{2}$) high, showing the number of the house.

10. Any person, firm or corporation failing to so number any house, building or other structure owned or occupied by said person, firm or corporation, within ten (10) days after being notified to do so shall be fined the sum of thirty five dollars (\$35.00). Each day that the failure to so number said structure continues, shall be considered a separate offense. (Ord. No. 1999-04, 6/8/99)

§ 4-403 FIRE LIMITS.

1. The following area within the corporate limits of the city of Blanchard, Oklahoma, shall embrace and constitute the "fire limits" of said municipality:

Blocks 65, 66, 67, 68, 69, 70, 75, 76, 77, 78, 79, 87 and 88, in the original townsite of the city of Blanchard, Oklahoma.

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

§ 4-404 MOVEMENT OF FRAME BUILDINGS.

No frame building shall be moved from without to within the corporate limits of the city of Blanchard, 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.

§ 4-405 PLUMBERS' REGISTRATION REQUIRED; FEES; BONDS.

1. Any person desiring to engage in the business or activity of plumbing or plumbing contracting in the city of Blanchard, Oklahoma, shall first register with the office of the city clerk-treasurer. All registrants shall be state-licensed.

2. No person shall do any plumbing, gas fitting, extensions, connection of fixtures or repairs to any gas fitting, except a registered plumber, as provided in this code of ordinances.

3. The registration fees to be paid to the office of the city clerk-treasurer shall be as follows:

a. From July 1st to December 30th:

- | | | |
|----|--------------------------|---------|
| 1) | For plumbing contractor | \$50.00 |
| 2) | For journeyman plumber | \$10.00 |
| 3) | For plumber's apprentice | \$ 5.00 |

b. From January 1st to June 30th:

- | | | |
|----|--------------------------|---------|
| 1) | For Plumbing Contractor | \$25.00 |
| 2) | For Journeyman Plumber | \$ 5.00 |
| 3) | For Plumber's Apprentice | \$ 2.50 |

4. Each person registered as a journeyman plumber or plumbing contractor, as required herein, shall, after registration but before engaging in the practice of plumbing, file with the office of the city clerk-treasurer a bond in the sum of two-thousand dollars (\$2,000.00), executed by a surety company authorized to transact business in the state of Oklahoma. Said bond shall be payable to the city of Blanchard, Oklahoma, and shall be conditioned that the principal will restore, with the same material and in the same manner, all streets, alleys, sidewalks and other public places in any way disturbed by him, his agents, subcontractors or employees. Said bond shall be conditioned further that the principal shall indemnify and save harmless, cost, damage, action or liability of any kind whatever, including reasonable attorney's fees which the city may suffer or be required to pay or which may accrue against it or be recovered from said city by reason of any loss, damage or injury sustained, suffered or incurred by any person, on account of, or by reason of, the doing of any plumbing, as defined herein, by the principal, his agents, subcontractors or employees, in the use of the streets, alleys and public property of the city, or in making any connections, alteration, repairs, extensions or renovations to any pipe or pipes,

or mains, or connections belonging to the water or sewer system of the city, or by reason of the neglect, failure or refusal of said principal, his agents, subcontractors or employees, to erect, place and maintain proper safety devices, warning signals, lights and barricades about such work until such time as the municipal plumbing inspector is notified that the work is fully completed. Said bond shall be conditioned further that the principal shall comply with the rules, regulations and ordinances relating to the turning on or off of the municipal water system. Such bond shall be conditioned further that the principal shall do all plumbing, as defined, in strict accordance with the ordinances of the city and the laws of the state, in a good and workmanlike manner. (Ord. No. 1999-11, 10/13/99)

§ 4-406 ELECTRICIANS' REGISTRATION REQUIRED; FEES.

1. All persons, firms, partnerships, corporations or individuals, engaged, or hereafter engaging, in installing electrical fixtures, wiring or apparatus in or on any building within the city of Blanchard, Oklahoma, shall register with the office of the city clerk-treasurer before they may engage in said works. All registrants shall be state-licensed.

2. The registration fees and bond requirements for electricians shall be the same as for plumbing contractors, journeymen and apprentices. (Ord. No. 1999-11, 10/13/99)

Cross Reference: see §4-405 above.

§ 4-407 MECHANICAL CONTRACTORS: REGISTRATION AND LICENSING.

1. All persons designing, assembling, erecting, constructing, installing, altering, servicing, repairing or maintaining refrigeration, air conditioning, heating and/or ventilation systems must first register with the office of the city clerk-treasurer. All registrants must be state-licensed, if required.

2. The registration fees shall be as follows:

a. From July 1st to December 30th:

- | | | |
|----|---------------------------|---------|
| 1) | For Mechanical Contractor | \$50.00 |
| 2) | For Mechanical Journeyman | \$10.00 |
| 3) | For Mechanical Apprentice | \$ 2.50 |

b. January 1st to June 30th:

- | | | |
|----|---------------------------|---------|
| 1) | For Mechanical Contractor | \$25.00 |
| 2) | For Mechanical Journeyman | \$ 5.00 |
| 3) | For Mechanical Apprentice | \$ 2.50 |

3. It shall be unlawful for any person to install or make repairs on any air conditioning, refrigeration or heating system without registering and obtaining a permit and license in accordance with the provisions of this chapter. It shall likewise be unlawful for any contractor to employ any person to do such work unless such employee is registered under the provisions of this code.

4. Every person owning, leasing, operating or in possession of any building or structure within the city of Blanchard, Oklahoma, shall permit the municipal building inspector to enter such building or structure as often as it shall be deemed necessary by said inspector for the purpose of discharging his duties prescribed by this section, and it shall be unlawful for any owner, occupant or lessee of any premises to prevent or to refuse to permit such entry. Said inspector shall, upon request of the owner, occupant or lessee of any premises, exhibit his authority to make such entry.

5. The municipal building inspector shall not approve any application for contractor's registration until he is satisfied that said contractor has obtained public liability insurance that shall indemnify the city and public in the amounts of not less than five-thousand dollars (\$5,000.00) for bodily injury to or death of one person in any one accident; or in an amount not less than ten-thousand dollars (\$10,000.00) for personal injury or death of more than one person in any one accident; or one-thousand dollars (\$1,000.00) for property damages; all arising out of work to be performed under said registration.

6. The municipal building inspector may revoke or suspend the registration of any person, persons, or corporation convicted of any violation of this chapter, or for any of the following reasons:

- a. Willful fraud or misrepresentation practiced in procuring or renewing any registration or license;
- b. Dishonesty;
- c. Gross incompetency;
- d. Conduct likely to, or intended to, deceive or defraud the public;
- e. The loaning of any license, registration or permit to any person or persons for any reason whatsoever;

- f. The obtaining of a fee or compensation by fraud or misrepresentation;
- g. The willful advertising or publishing, or otherwise making known, of any grossly false, fraudulent or misleading statements of business skill, knowledge or methods of operation;
- h. The construction, design, installation, alteration, repair or maintenance of any refrigeration or air-conditioning equipment in such a manner as to be detrimental to the safety, health or welfare of the general public;
- i. For any misconduct in the use of a registration or transaction thereunder; or
- j. For the violation or disregard of any regulations of the city of Blanchard, Oklahoma.

7. If, in the performance of any work under this chapter, the contractor or mechanic shall find that, on account of the mechanical construction of the building, location of fixtures, or some other reason, it would be impossible to abide by the letter of this chapter, he may apply to the municipal building inspector for a variance, stating his reasons for any changes and setting forth the conditions, with a statement of his desires to request exceptions to the provisions of this chapter for the particular job. If said inspector finds that the conditions warrant and that it would be impractical and unreasonable to require strict conformance, he shall have the authority to make special rulings, for the safeguarding of life and property, on the proposed work. In all such cases, persons engaged in such work or installation and holding registration under this chapter, shall be notified in writing of the decision. (Ord. No. 1999-11, 10/13/99)

§ 4-408 GREASE, OIL AND SAND INTERCEPTORS.

1. A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in restaurants, hotel kitchens, cafeterias and food processing establishments, and in any bar, lounge, private club or fountain where food is prepared or served, or where dishes, glasses, pots, pans or other kitchen wares are washed, or any other establishment where grease or broken glass can be introduced into the drainage system in quantities that can effect line stoppage or hinder sewage disposal. Grease, oil and sand interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other ingredients harmful to the building's drainage system, the public sewer or sewage treatment plant process.

2. Interceptors shall not be required for private living quarters or residential dwelling units.

3. All interceptors shall be of a type and capacity as defined in the city's current adopted plumbing code and shall be approved by the municipal building inspector. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be properly inspected following construction, by the municipal building inspector, and shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

4. An oil separator shall be installed in the drainage system of any establishment where, in the judgment of the municipal building inspector, a hazard exists or where oils or other flammables can be introduced or admitted into the public sewer by accident or otherwise.

5. All garages, filling stations and car washes having car wash racks or facilities shall install combination grit and grease interceptors.

6. All commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent strings, rags, buttons or other materials detrimental to the public sewage system from passing into the drainage system.

7. Bottling plants shall discharge all process wastes into an interceptor which will provide for the separation of broken glass or other solids, before discharging liquid wastes into the drainage system.

8. Slaughterhouses shall equip all slaughtering room drains with a separator which shall prevent the discharge of feathers, entrails and other material likely to clog the drainage system.

9. All existing establishments listed in subsection 1 (above) shall have ninety (90) days from the effective date of this code of ordinances to install an improved interceptor or separator. Establishments covered under subsection 4 (above) will be handled on a case-by-case basis to determine whether an oil separator is required. All establishments covered under subsection 1 (above), constructed henceforth, shall include an approved interceptor.

10. The municipal building inspector, utilities superintendent, or city manager shall have the right of entry during usual business hours, to conduct an inspection of an interceptor or separator.

11. Any person found to be in violation of this section shall be served with written notice stating the violation and providing seventy-two (72) hours for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event an establishment is cited with a second violation within six (6) months of the first, the time allowed for correction shall be reduced to forty-eight (48) hours. A third

citation within six (6) months from the first violation will be cause for the city to immediately discontinue water service to the establishment for a period of not less than ten (10) days during which time the offender shall correct the violation.

12. Any person who shall continue any violation beyond the time limit provided for in subsection 11 (above) and upon conviction thereof, shall be fined in an amount not exceeding the limits established in §8-301 of this code of ordinances for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 4-409 OFF-STREET PARKING.

All off-street parking shall be designed, constructed and utilized in accordance with the provisions and requirements contained in the community's adopted zoning ordinance and subdivision regulations ordinance.

§ 4-410 WIND ENERGY CONVERSION SYSTEMS.

1. The following definitions are used in this section, and shall have the meanings shown below.

- a. Overspeed Control. The term shall mean a mechanism used to limit the speed of blade rotation to below the design limits of the Wind Energy Conversion System.
- b. Site. The word shall mean the plot of land where the Wind Energy Conversion System is to be placed. The site may be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties.
- c. Swept Area. The term shall mean the largest area of the Wind Energy Conversion System which extracts energy from the wind stream. In a conventional propeller-type Wind Energy Conversion System there is a direct relationship between swept area and the rotor diameter.
- d. Total Height. The term shall mean the height of the tower and the farthest vertical extension of the Wind Energy Conversion System.
- e. Wind Energy Conversion System (WECS). The term shall mean a machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The Wind Energy Conversion System includes all parts of the System, except the tower and the transmission equipment; and shall be considered as a structure.

2. Building permit applications (see §4-201, this chapter) for a Wind Energy Conversion System shall be accompanied by a site plan drawn in sufficient detail to clearly describe the following:

- a. Property lines and physical dimensions of the site;
- b. Location, approximate dimensions, and types of major existing structures and uses on site;
- c. Location and elevation of the proposed Wind Energy Conversion System;
- d. Location of all above-ground utility lines on-site or within one (1) radius of the total height of the Wind Energy Conversion System;
- e. Location and size of structures and trees over thirty-five (35) feet in height, which are within a five-hundred (500) foot radius of the proposed Wind Energy Conversion System; for purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures; and
- f. The zoning designation of immediate and adjacent sites.

3. Before a building permit may be issued, all requirements of this section must be met. This section covers those Wind Energy Conversion Systems whose swept area is one-thousand (1,000) square feet or less; for conventional propeller Wind Energy Conversion Systems, this would be approximately thirty-five (35) feet or less in diameter (non-electrical windmills used for pumping water may be exempted from the remaining provisions of this section.)

4. Building permit applications shall be accompanied by standard drawings of the structural components of the Wind Energy Conversion System, including support structure, tower, base and footings. Drawings and any necessary calculations shall be certified in writing by a registered professional engineer to show that the system compiles with the adopted building code. (This certification would normally be supplied by the manufacturer.) Where the structural components or installation vary from the standard design or specification, the proposed modifications shall be certified by a registered professional engineer for compliance with the structural design provisions of the adopted building code.

5. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the system to be installed, in sufficient detail to allow for a determination that the manner of installation conforms to the adopted electrical code. The application shall include a statement from a

registered professional engineer indicating that the electrical system conforms with good engineering practices and compiles with said electrical code. (This certification would normally be supplied by the manufacturer.) All equipment and materials shall be used or installed in accordance with such drawings and diagrams. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a registered professional engineer for compliance with the requirements of said electrical code and good engineering practices.

6. Each Wind Energy Conversion System must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a registered professional engineer certifying that the rotor and over speed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of possible towers with available rotors. (This certification would normally be supplied by the manufacturer.)

7. Anchor points for guy wires for the Wind Energy Conversion System tower shall be located within property lines and not on or across any above-ground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six (6) feet high, or the Wind Energy Conversion System shall be set back from the property line or site parameters the total height of the Wind Energy Conversion System.

8. Towers should have either a tower-climbing apparatus located no closer than twelve (12) feet from the ground, a locked anti-climb device installed on the tower, or the tower shall be completely enclosed by a locked, protective fence at least six (6) feet high.

9. The Wind Energy Conversion System shall meet the requirements of any existing municipal noise regulations.

10. The Wind Energy Conversion System shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the municipal building inspector that a Wind Energy Conversion System is causing harmful interference, the operator shall be required to promptly mitigate the harmful interference.

11. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.

12. The minimum height of the lowest part of the Wind Energy Conversion System shall be thirty (30) feet above the highest existing major structure or any tree within a two-hundred and fifty (250) foot radius. For

purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures.

13. The Wind Energy Conversion System shall be located such that the farthest extension of the apparatus does not cross any site lines.

14. For Wind Energy Conversion Systems which will be interconnected to a utility grid, no wind turbine shall be installed until evidence has been given that the utility company has been notified in writing

15. If a Wind Energy Conversion System is not maintained in operational condition for a period of one year and poses a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The city of Blanchard, Oklahoma, reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the System. If the city of Blanchard, Oklahoma, determines that the Wind Energy Conversion System has been abandoned and poses a safety hazard, the system shall be removed within forty-five (45) days of written notice to the owner or operator of the system.

16. The applicant, owner, leasee or assignee shall maintain a current insurance policy which will cover installation and operation of the Wind Energy Conversion System at all times. Said policy shall provide a minimum of one-hundred thousand (\$100,000) property and personal liability coverage.

§ 4-411 OFFICERS AND EMPLOYEES NOT LIABLE.

1. Any officer or employee of the city of Blanchard, Oklahoma, charged with the enforcement of this chapter and acting in good faith and without malice, for the city of Blanchard, 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 city attorney until the final termination of the proceedings.

ARTICLE 5

PENALTY

§ 4-501 Penalty.

§ 4-501 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 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 fined in any sum not to exceed the limits established in §8-301 of this code of ordinances. Each day upon which a violation continues, shall be deemed a separate offense.

CHAPTER 5

BUSINESS AND OCCUPATIONS

ARTICLE 1

PEDDLERS AND ITINERANT OCCUPATIONS

- § 5-101 Definitions.
- § 5-102 License required; exclusions.
- § 5-103 Application for license.
- § 5-104 Investigation of applicant and issuance of license; fees.
- § 5-105 Revocation of license; term of license; renewal.
- § 5-106 Hours of solicitation; transfer and exhibition of license.

ARTICLE 2

FAIR HOUSING

- § 5-201 Policy.
- § 5-202 Definitions.
- § 5-203 Unlawful practices.
- § 5-204 Discrimination in the sale or rental of housing.
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- § 5-504 Regulation by franchising authority.
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ARTICLE 6

PENALTY

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ARTICLE 7

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- § 5-801 Collection receptacles for donated goods.

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- § 5-901 Adoption of state fireworks laws.
- § 5-902 Application.
- § 5-903 Eligibility.
- § 5-904 Fees.

- § 5-905 Consumer fireworks retail sales facilities requirements.
- § 5-906 General operational requirements.
- § 5-907 Restrictions on the discharge of fireworks.
- § 5-908 Display permit required.
- § 5-909 Enforcement.
- § 5-910 Transferability.
- § 5-911 Signs.
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ARTICLE 10

FOOD TRUCK REGULATIONS

- § 5-1001 Intent.
- § 5-1002 Scope.
- § 5-1003 Definitions.
- § 5-1004 Permit requirements.
- § 5-1005 General requirements.
- § 5-1006 Site plans for locations on private property.
- § 5-1007 Maintenance standards.
- § 5-1008 Penalties for violation.

ARTICLE 1

PEDDLERS AND ITINERANT OCCUPATIONS

- § 5-101 Definitions.
- § 5-102 License required; exclusions.
- § 5-103 Application for license.
- § 5-104 Investigation of applicant and issuance of license; fees.
- § 5-105 Revocation of license; term of license; renewal.
- § 5-106 Hours of solicitation; transfer and exhibition of license.

§ 5-101 DEFINITIONS.

1. *Itinerant Occupations.* The term 'itinerant occupations' shall mean those occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the city of Blanchard, 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, businesses and solicitations housed in temporary stands or quarters (including permanent quarters occupied pursuant to any temporary arrangement), or carried on by means of house-to-house solicitation or upon the streets and sidewalks of the city of Blanchard, Oklahoma; provided, however, that no occupation, trade or business engaged in by a charitable, educational or religious organization, association or club, having a membership duly enrolled in accordance with the rules, regulations and by-laws of said organization, association or club and the majority of said members being residents of the city of Blanchard, or of McClain County, Oklahoma, shall be considered an "itinerant occupation, trade, business or solicitation.

2. *Peddler.* The word "peddler" shall include the words "hawker" and "huckster" and shall mean any person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares or merchandise of whatsoever nature, offering and exposing the same for sale, or who does not travel from place to place, and shall sell or offer the same for sale from any vehicle or conveyance or on any public street or thoroughfare.

3. *Person.* The word "person" shall mean any individual, and shall not extend and be applied to firms, corporations or any other organizations.

4. *Solicitor or Canvasser.* The words "solicitor or canvasser" shall mean a person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for the same of goods, wares, merchandise or personal property of whatsoever

nature for future delivery, or for services to be furnished or performed in the future.

§ 5-102 LICENSE REQUIRED; EXCLUSIONS.

1. It shall be unlawful for any person to engage in the business of peddler, solicitor, canvasser or any other itinerant occupation within the corporate limits of the city of Blanchard, Oklahoma, without first obtaining a license therefor, as provided in this Article, and paying the prescribed fees to cover the reasonable costs of investigation and processing of the application. The fee shall be paid to the city clerk-treasurer when the application is filed and shall not be returnable under any circumstances. The city council, from time to time, may change such fee (by ordinance) to an amount not to exceed the reasonable costs of licensing and enforcement under this article.

2. The following persons are hereby specifically excluded from the application of the provisions of this article:

- a. Persons engaged in selling personal property at wholesale to dealers in such property; and
- b. Merchants growing their own local produce, and having regular places of business in the city of Blanchard, Oklahoma, and their employees in taking orders at the houses of their customers for goods held in stock at said places of business, and in delivering the goods so ordered; such exclusion shall not apply to a person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within said city, for the purpose of exhibiting samples and taking orders for future delivery.

§ 5-103 APPLICATION FOR LICENSE.

1. Applicants for a license hereunder shall file with the city clerk-treasurer, in duplicate, a sworn application in writing, on a form to be furnished by the city clerk-treasurer.

2. The application shall give the following information:
 - a. Full name, description and birthdate of each individual applicant;
 - b. Address, both legal and local;

- c. Nature of business and kinds of goods to be sold, and if the applicant is a farmer or truck gardener, whether said goods are produced by him on land he owns, cultivates and controls;
- d. If employed by another, the name and address of the applicant's employer together with a brief description of credentials showing the exact relationship;
- e. Length of time for which the right to do business is desired;
- f. Description and license number or other identification of any vehicle to be used; and
- g. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefor.

3. Each individual applicant for a license shall provide written proof that the applicant will collect and remit state and local sales taxes to the city of Blanchard, Oklahoma, if required by state law and municipal ordinance.

4. Each individual applicant for a license shall submit with his application a surety bond or cash in the amount of one-thousand dollars (\$1,000.00), executed by the applicant and by a surety company qualified to do business within the state of Oklahoma. The bond shall run in favor of the city of Blanchard, Oklahoma, but action may be taken on the bond by any citizen who has been damaged by the applicant. If more than one applicant shall be employed by the same employer, the employer may furnish the surety bond in lieu of the applicant, and the amount of such bond shall be the total number of employees multiplied by one-thousand dollars (\$1,000.00). The employer shall have the privilege of changing employees, but the number of employees shall never exceed the amount listed in the original bond filed. Any increase in the number of employees shall require either individual surety bonds for the additional employees, or an increase in the amount of the original surety bond in the amount of one-thousand dollars (\$1,000.00) for each additional employee. Any employer furnishing such a bond shall furnish to the city clerk-treasurer a current list of employees covered by the bond.

§ 5-104 INVESTIGATION OF APPLICANT AND ISSUANCE OF LICENSE; FEES.

1. Upon receipt of an application for a license, the city clerk-treasurer shall refer one copy to the chief of police who shall note thereon any record concerning the applicant which may appear from the official records in his charge and return the same promptly to the city clerk-treasurer.

2. The city clerk-treasurer shall cause such other investigation or inquiry to be made concerning the applicant as may be deemed necessary to determine the character and business responsibility of the applicant and whether the application is in compliance with the terms and conditions of this article.

3. If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory and the application is in compliance with the terms and conditions of this article, the city clerk-treasurer, upon payment of the prescribed license fee, shall issue the license, together with any badge, tag or other materials properly an accompaniment thereto.

4. If, as a result of the investigation provided for in this article, the applicant's character or business responsibility are found to be unsatisfactory, the chief of police or the city clerk-treasurer shall endorse on such application his disapproval thereof and the reasons for the same, and the city clerk-treasurer shall then notify the applicant that his application has been disapproved and that no license will be issued.

5. Any applicant aggrieved by the action of the chief of police or the city clerk-treasurer in the denial of a license as provided in subsection (4) of this section, shall have the right to appeal therefrom to the city council. Such appeal shall be filed, in writing with the city council, within fourteen (14) days after notice of the action complained of has been given to the applicant personally or mailed, postage prepaid, to his last known address. The city council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant at least five (5) days prior to the date set for hearing. The decision and order of the city council on such appeal shall be final and conclusive.

6. A fee of thirty dollars (\$30.00) per day; seventy-five dollars (\$75.00) for three (3) days or one-hundred dollars (\$100.00) for seven (7) days or two-hundred fifty dollars (\$250.00) for one-hundred eighty (180) days, shall be paid to the city clerk-treasurer at the time of issuance; revocation of a license shall not be grounds for returning the license fee to the applicant. (Ord. No. 2011-02, 4/12/11)

§ 5-105 REVOCATION OF LICENSE; TERM OF LICENSE; RENEWAL.

1. Licenses issued under the provisions of this article may be revoked by the city clerk-treasurer of the city of Blanchard, Oklahoma, after notice has been served on the applicant for any of the following causes:

- a. Fraud, misrepresentation or false statements contained in the application;

- b. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or canvasser;
- c. Any violation of this article;
- d. Conviction of any felony involving moral turpitude; or
- e. Conducting the business of soliciting or canvassing in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

2. Notice of revocation of a license shall be in writing, setting forth specifically the grounds of complaint and the time and place for a hearing where the decision to revoke may be appealed to the city council. Such notice shall be given to the appellant in the same manner as provided in subsection 5 of section 5-104 of this article, for notice of hearing on approval of an application for a license.

§ 5-106 HOURS OF SOLICITATION; TRANSFER AND EXHIBITION OF LICENSE.

1. No solicitations shall be conducted between the hours of 6:00 o'clock p.m. and 10:00 o'clock a.m. because of the need for public security and protection; provided, however, that, solicitations may be made where the person solicited has agreed by previously-arranged appointment for a time other than the prescribed hours.

2. No license or badge issued under the provisions of this article shall be used or worn at any time by any person other than the one to whom it was issued.

3. Peddlers, solicitors, canvassers and other itinerant occupations are required to exhibit and display their licenses or authorized evidence thereof at all times whenever they are engaged in peddling, canvassing or soliciting.

ARTICLE 2

FAIR HOUSING

- § 5-201 Policy.
- § 5-202 Definitions.
- § 5-203 Unlawful practices.
- § 5-204 Discrimination in the sale or rental of housing.
- § 5-205 Discrimination in financing or housing.
- § 5-206 Discrimination in the provision of brokerage services.

- § 5-207 Exemption.
- § 5-208 Administration.
- § 5-209 Education and conciliation.
- § 5-210 Enforcement.
- § 5-211 Investigations, subpoenas, giving of evidence.
- § 5-212 Enforcement by private persons.
- § 5-213 Interference, coercion or intimidation.
- § 5-214 Prevention of intimidation in fair housing cases.

§ 5-201 POLICY.

It is the policy of the city of Blanchard to provide, within constitutional limitations, for fair housing throughout the city of Blanchard. (Ord. No. 1987-04, 12/1/87; Ord. No. 1990-01, 2/13/90; Ord. No. 626, 12/15/15)

§ 5-202 DEFINITIONS.

A. Dwelling means any building, structure or portion thereof which is occupied as or designed or intended for occupation as a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

B. Family includes a single individual.

C. Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries.

D. To rent includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises owned by the occupant.

E. Discriminatory housing practices means an act that is unlawful under sections IV, V, and VI. (Ord. No. 1987-04, 12/1/87; Ord. No. 1990-01, 2/13/90; Ord. No. 626, 12/15/15)

§ 5-203 UNLAWFUL PRACTICES.

Subject to the provisions of subsection B and Section VII, the prohibitions against discrimination in the sale or rental of housing set forth in Section III shall apply to:

A. All dwellings except as exempted by subsection B.

B. Nothing in Section IV shall apply to:

1. Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: 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 or rental of any such single-family house shall be excepted from the application of this Title only if such house is sold or rented:

- 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 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 IV.C of this policy. However, nothing in this provision shall prohibit the use of attorney's, escrow agents, abstractors, title companies and other such professional assistance as is necessary to perfect or transfer the title; or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one such living quarters as his residence.

C. For the purposes of subsection B, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

2. He has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein;

3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. (Ord. No. 1987-04, 12/1/87; Ord. No. 1990-01, 2/13/90; Ord. No. 626, 12/15/15)

§ 5-204 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by Section III and except as exempted by Sections III.B and VII, it shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any persons regardless of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws).

B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling on in the provision of services or facilities in connection therewith regardless of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws).

C. To make, print or publish or cause to be made, printed or published notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on a person's race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws) or an intention to make any such preference, limitation or discrimination.

D. To represent to any person regardless of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws) that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

E. To induce or attempt to induce any person to sell or rent any dwelling, for profit, by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws). (Ord. No. 1987-04, 12/1/87; Ord. No. 1990-01, 2/13/90; Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17)

§ 5-205 DISCRIMINATION IN FINANCING OR HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance regardless of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws) of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in Section III.B. (Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17)

§ 5-206 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws). (Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17)

§ 5-207 EXEMPTION.

Nothing in this policy shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws). Nor shall anything in this policy 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. (Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17)

§ 5-208 ADMINISTRATION.

A. The authority and responsibility for administering this policy shall be in the chief executive officer of the city of Blanchard.

B. The chief executive officer may delegate any of these functions duties and powers to employees of the city or to boards of such employees, including functions, duties and powers, with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this policy. The chief executive officer shall, by rule, prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner to affirmatively further the purposes of the policy and shall cooperate with the chief executive officer to further such purposes. (Ord. No. 626, 12/15/15)

§ 5-209 EDUCATION AND CONCILIATION.

Immediately after the enactment of this policy, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this policy. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this policy and his suggested means of implementing it and shall endeavor, with their advice, to work out programs of voluntary compliance and of enforcement. (Ord. No. 626, 12/15/15)

§ 5-210 ENFORCEMENT.

A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or are 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 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 policy without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall, upon conviction, be fined not more than \$100 or imprisoned not more than ten (10) days.

B. A complaint under subsection A shall be filed within one-hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and, with the leave of the chief executive officer which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If, within thirty days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this policy, 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.

D. If the chief executive officer has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate court against the respondent named in the complaint to enforce the rights granted or protected by this policy insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

E. In any proceedings brought pursuant to this section, the burden of proof shall be on the complainant.

F. Whenever an action by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance. (Ord. No. 626, 12/15/15)

§ 5-211 INVESTIGATIONS, SUBPOENAS, GIVING OF EVIDENCE.

A. In conducting an investigation, the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statement 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 subpoenas to compel his access to or the production of such materials or the appearance of such persons and may issue interrogatories to a respondent to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The chief executive officer may administer oaths.

B. Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued by the chief executive officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

C. Witnesses summoned by subpoenas of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fee payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him. 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 finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous or for other good reason.

D. In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.

E. 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 one-hundred dollars (\$100.00) or imprisoned not more than ten (10) days, or both. Any person who, with intent to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the chief executive officer pursuant to his subpoena or other order

or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents or shall willfully mutilate, alter or by any other means falsify any documentary evidence shall be fined not more than one-hundred (\$100.00) or imprisoned not more than ten (10) days, or both.

F. The city's attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this ordinance. (Ord. No. 626, 12/15/15)

§ 5-212 ENFORCEMENT BY PRIVATE PERSONS.

A. The rights granted herein by sections III, IV, V, and VI may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one-hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or section X.D from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this policy and involving a bona fide purchaser, encumbrancer or tenant, without actual notice of the existence of the filing of a complaint or civil action under the provisions of this policy, shall not be affected.

B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order and may award to the plaintiff actual damages and not more than one-thousand dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorney's 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. (Ord. No. 626, 12/15/15)

§ 5-213 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his having exercised or enjoyed or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by sections III, IV, V, or XI. This section may be enforced by appropriate civil action. (Ord. No. 626, 12/15/15)

§ 5-214 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

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

A. Any person because of his race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws), and because he is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

B. Any person because he is or has been or in order to intimidate such person or any other person or class of persons from:

1. Participating without discrimination on account of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws) in any of the activities, services, organizations or facilities described in subsection XV.A; or

2. Affording another person or class of person's opportunity or protection so to participate.

C. Any citizen because he is or has been or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability or veteran's status (or any other characteristics protected by federal, state or local laws), in any of the activities, services, organizations or facilities described in subsection XV.A or from participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one-hundred dollars (\$100.00) or imprisoned not more than 10 days, or both; and if bodily injury results, shall be fined not more than one-hundred dollars (\$100.00) or imprisoned not more than ten (10) days, or both; and if death results, shall be subject to imprisonment for any term of years or for life. ((Ord. No. 626, 12/15/15; Ord. No. 667, 11/28/17)

ARTICLE 3

AMBULANCE SERVICES

§ 5-301 Reserved.

ARTICLE 4

MISCELLANEOUS PROVISIONS

- § 5-401 Sale of merchandise on vacant property.
- § 5-402 Shooting galleries.
- § 5-403 Short weights and measures prohibited.
- § 5-404 Pool, billiard and other recreational halls.
- § 5-405 Licensing of wrecker services.
- § 5-405 Junkyard and salvage yard regulations.

§ 5-401 SALE OF MERCHANDISE ON VACANT PROPERTY.

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

§ 5-402 SHOOTING GALLERIES.

Every shooting gallery constructed, established, set up or operated hereafter within the corporate limits of the city of Blanchard, Oklahoma, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of Title 63, Oklahoma Statutes, 1981, §§ 701-708, as amended, and shall comply with all the requirements thereof. No shooting gallery shall be operated until any licenses required by this code of ordinances have been secured therefor.

§ 5-403 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.

§ 5-404 POOL, BILLIARD AND OTHER RECREATIONAL HALLS.

1. It shall be unlawful for any owner, manager or operator to employ or permit any minor (as defined by current state law) to work in a pool, billiard, domino or card hall or parlor; it shall be unlawful for any minor (as defined by current state law) to work in such a hall or parlor.

2. It shall be unlawful for any person in charge of any hall or parlor mentioned in subsection 1 (above) to permit any minor (as defined by current state law) to loiter in such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian; it shall be unlawful for such person to

loiter in such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian.

3. It shall be unlawful for the owner, manager or operator of a pool, snooker, billiard, domino or card hall or parlor, or bowling alley to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise, loud music, profane language or any other violation of state laws or this code of ordinances.

4. Subsections 1 through 3 (above) shall not, however, apply to establishments created as family entertainment and recreation centers for the use and enjoyment of the entire family (regardless of age). It shall be unlawful for the owner, manager or operator of such a family center to permit the sale, furnishing or drinking of alcoholic beverages of any type.

§ 5-405 LICENSING OF WRECKER SERVICES.

1. It shall be unlawful to operate a wrecker vehicle or to operate a wrecker service within the corporate limits of the city of Blanchard, Oklahoma, unless the owner or operator of said wrecker or wrecker service first obtains a wrecker service license from the office of the city clerk-treasurer.

2. Each wrecker or wrecker service operating within the city of Blanchard, Oklahoma, shall pay an annual license fee of twenty dollars (\$20.00). Said fee shall be due on May 1st on each year; any licenses issued for a portion of a year shall have the fee therefor pro-rated on the basis of the number of months remaining in the application year at the time the application for a license is made.

3. The office of the city clerk-treasurer shall issue or renew each license only if the applicant has not been refused for state licensing.

§ 5-406 JUNKYARD AND SALVAGE YARD REGULATIONS.

1. For the purpose of this section, the terms "junkyard" or "salvage yard" shall mean any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard; the terms (above) shall also include garbage dumps and sanitary landfills.

2. No junkyard or salvage yard shall be located nearer than fifty (50) feet from the right-of-way line of any road or highway.

3. All junkyards or salvage yards shall be screened from view of any road or highway running adjacent thereto, by the construction of a sight-proof

fence (with a minimum height of at least eight (8) feet), or such material as may be approved by the city council, or by the planting of appropriately-sized shrubbery.

4. No junkyard or salvage yard shall be operated in such a manner as to cause the creation of a public nuisance to the health, safety and welfare of the residents of the surrounding areas.

ARTICLE 5

VIDEO SYSTEM FRANCHISE

§ 5-501	Definition of terms.
§ 5-502	Grant of franchise.
§ 5-503	Standards of service.
§ 5-504	Regulation by franchising authority.
§ 5-505	Insurance, indemnification, and bonds or other surety.
§ 5-506	Enforcement and termination of franchise.
§ 5-507	Miscellaneous.

§ 5-501 **DEFINITION OF TERMS.**

For the purpose of this article, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

1. “*Basic video*” means the tier of video service regularly provided to all subscribers that includes the retransmission of local broadcast television signals.

2. “*Video service*” means (i) the one-way transmission to subscribers of video programming or other programming service, and (ii) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

3. “*Video system*” means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other equipment that is designed to provide video service or other service to subscribers.

4. “*FCC*” means Federal Communications Commission, or successor governmental entity thereto.

5. “*Franchise*” means the initial authorization, or renewal thereof, issued by franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, or otherwise, which authorizes construction and operation of the video system for the purpose of offering video service or other service to subscribers.

6. “*Franchising authority*” means the city of Blanchard, Oklahoma, or the lawful successor, transferee, or assignee thereof.

7. “*Grantee*” means Pioneer Long Distance, Inc., or the lawful successor, transferee, or assignee thereof.

8. “*Gross Revenues*” means the monthly revenues for the provision of video service received by grantee from subscribers located within the service area from basic and extended basic Service. “Gross Revenues” does not include any taxes or fees on video service which are imposed directly or indirectly on any Subscriber by any governmental unit or agency, and which are collected by grantee on behalf of such governmental unit or agency.

9. “*Person*” means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

10. “*Public way*” means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by franchising authority in the service area which shall entitle franchising authority and grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the video system. “Public way” also means any easement now or hereafter held by franchising authority within the service area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle Franchising Authority and Grantee to the use thereof for the purposes of installing or transmitting grantee’s video service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the video system.

11. “*Service area*” means the present municipal boundaries of franchising authority and shall include any additions thereto by annexation or other legal means, except as limited by the technology available to grantee as it presently exists, or may exist in the future.

12. “*Subscriber*” means a user of the video system who lawfully receives video service or other service therefrom with grantee’s express permission.

13. “*Video programming*” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station. (Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04)

§ 5-502 GRANT OF FRANCHISE.

A. *Grant.* Franchising authority hereby grants to grantee a nonexclusive franchise which authorizes grantee to construct and operate a video system and offer video service and other service in, along, among, upon, across, above, over, under, or in any manner connected with public ways within the service area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any public way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the video system.

B. *Term.* This franchise shall take effect and be in full force and effect immediately and shall continue in full force and effect for a term of ten (10) years from December 14, 2004, said date being the effective date of this article.

C. *Favored Nations.* In the event franchising authority enters into a franchise, permit, license, authorization, or other agreement of any kind with any person other than grantee to enter into franchising authority’s streets and public ways for the purpose of constructing or operating a video system or providing video service to any part of the service area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another, and to provide all parties equal protection under the law.

D. *Renewal of Franchise.* By mutual consent, the grantee shall have the option to renew this franchise for an additional period not to exceed ten (10) years. Such grantee desire to exercise this option, it shall so notify the franchising authority in writing, not less than three (3) months prior to the expiration of this franchise. (Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04)

§ 5-503 STANDARDS OF SERVICE.

A. *Conditions of Street Occupancy.* All transmission and distribution structures, poles, other lines, and equipment installed or erected by grantee pursuant to the terms hereof shall be located so as to cause a minimum of

interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways. Blanchard reserves the right of reasonable regulation of the erection, construction or installation of any facilities by the grantee and to reasonably designate where such facilities are to be placed within the public ways and places. In the event that at any time during the period of this franchise, Blanchard shall lawfully elect to alter, or change the grade of, any street, alley, or any public way, the grantee, upon reasonable notice by the city of Blanchard, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

B. *Restoration of Public Ways.* If during the course of grantee's construction, operation or maintenance of the video system there occurs a disturbance of any public way by grantee, it shall, at its expense, replace and restore such public way to a condition at least as good as the condition of the public way existing immediately prior to such disturbance.

C. *Safety Requirements.* Construction, installation, and maintenance of the video system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable FCC or other federal, state, and local regulations and the grantee shall, at all times during the life of this franchise, be subject to all lawful exercise of the police power by the city of Blanchard, and to such reasonable regulation as the city of Blanchard shall hereafter by resolution or ordinance provide. The video system shall not unreasonably endanger or interfere with the safety of persons or property in the service area.

D. *Required Extensions of Service.* Grantee is hereby authorized to establish and to extend the video system as desirable, or as required pursuant to the terms hereof within the service area, as defined in §5-501(11) of this article. (Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04)

§ 5-504 REGULATION BY FRANCHISING AUTHORITY.

A. *Franchise Fee.* On or before the 31st day of January and the 31st day of July of each year in which this franchise is effective, grantee shall pay to the city of Blanchard a sum equal to five percent (5%) of the gross revenue from basic and extended basic video subscriber services for the preceding six (6) month period ending on the 31st day of December and the 30th day of June, respectively, as a franchise fee for the use of the streets and other facilities of franchising authority in the operation of the video system and in lieu of occupation or license taxes. Grantee shall keep true and accurate books and records relating to its operation of the video system. During the term of this franchise, the franchising authority, through its designated representative, may upon reasonable notice within grantee's regular business hours, inspect and make copies of such portions of the books and records as relate to subscribers

to basic and enhanced video service, in order to determine the accuracy of any and all of grantee's statements and payments rendered pursuant to this agreement, provided, however, the provision of such records will not violate the privacy provisions of the Telecommunications Act of 1934 as amended.

B. *Rates and Charges.* Franchising authority may not regulate the rates for the provision of video service or other service, including, but not limited to, ancillary charges relating thereto, except as expressly provided herein and except as may be authorized pursuant to federal and state law. From time to time, and at any time, grantee has the right to modify its rates and charges, at its discretion and without consent of franchising authority, including, but not limited to, the implementation of additional charges and rates; provided, however, that grantee shall give notice to franchising authority of any such modifications or additional charges thirty (30) days prior to the effective date thereof.

C. *Transfer of Franchise.* The grantee's legal, character, financial, technical, and other qualifications, have been approved and the grantee shall not transfer this franchise to any non-affiliated person, firm or corporation without prior approval of franchising authority. All provisions of this ordinance shall be binding upon grantee, its successors, lessees and assigns, whether expressly stated herein or not. (Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04)

§ 5-505 INSURANCE, INDEMNIFICATION, AND BONDS OR OTHER SURETY.

A. Grantee shall maintain in full force and effect during the term of the franchise, at its own cost and expense, comprehensive general liability and property insurance in an amount not less than one-million dollars (\$1,000,000), with the city of Blanchard named as an additional insured, said insurance to be carried with an insurance company with a recognized national rating acceptable to the city of Blanchard. Documentation of such insurance shall be provided to the city of Blanchard.

B. *Indemnification.* Grantee shall indemnify, hold harmless, release and defend Franchising Authority, its officers, agents and employees from and against any and all liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death) which arise out of grantee's construction, operation or maintenance of its video system, including, but not limited to, reasonable attorneys' fees and costs. (Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04)

§ 5-506 **ENFORCEMENT AND TERMINATION OF FRANCHISE.**

A. *Notice of violation.* In the event that franchising authority believes that grantee has not complied with the terms of the franchise, it shall notify grantee in writing of the exact nature of the alleged default.

B. *Grantee's right to cure or respond.* Grantee shall have sixty (60) days from receipt of the notice described in subsection A to cure such default. In the event that, by the nature of the default, such default cannot be cured within the sixty (60) day period, grantee shall be allowed additional reasonable time to cure such default, upon written consent of franchising authority, which consent will not be unreasonably withheld. In the event grantee fails to cure any default as provided for herein, the city of Blanchard may immediately terminate this franchise without further notice to grantee.

C. *Acts of God.* Grantee shall not be held in default of the provisions of the franchise, nor suffer any enforcement or penalty relating thereto, where such alleged default is caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control. (Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04)

§ 5-507 **MISCELLANEOUS.**

A. *Preemption.* If the FCC or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the franchise, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by franchising authority, the jurisdiction of franchising authority shall cease and no longer exist.

B. *Employment requirements.* Grantee shall afford equal opportunity in employment to all qualified persons. No person shall be discriminated against in employment because of race, color, religion, age, national origin or sex. Grantee shall maintain and carry out a continuing program of specific practices designed to assure equal opportunity in every aspect of its employment policies and practices.

C. *Actions of franchising authority.* In any action by either franchising authority or grantee, or representatives thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

D. *Notice.* Unless expressly otherwise agreed between the parties, every notice or response to be served upon franchising authority or grantee shall be in writing, and shall be deemed to have been duly given to the required party five (5) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a post office or branch thereof regularly maintained by the U.S. Postal Service.

E. The notices or responses to franchising authority shall be addressed as follows:

City of Blanchard
P. O. Box 480
Blanchard, Oklahoma 73010

The notices or responses to grantee shall be addressed as follows:

Pioneer Long Distance, Inc.
Attention: Ralph Kookan, Division Manager
P. O. Box 539
Kingfisher, OK 73750

Franchising authority and grantee may designate such other address or addresses from time to time by giving written notice to the other party. (Ord. No. 1990-07, 7/10/90; Ord. No. 2004-30, 12/14/04)

ARTICLE 6

PENALTY

§ 5-601 Penalty.

§ 5-601 PENALTY.

Any person who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in §8-301, of this code of ordinances, and is subject to revocation of any license. Each day upon which a violation continues shall constitute a separate offense.

ARTICLE 7

RESIDENTIAL SALES

§ 5-701 Residential sale defined.
§ 5-702 Number of sales allowed.
§ 5-703 Signs or other advertising devices.

§ 5-704 Penalty.

§ 5-701 RESIDENTIAL SALE DEFINED.

For the purpose of this chapter, the term “residential sale” means any sale of more than three (3) items held out to be a garage, room, yard, or patio sale, or any other type of general sale conducted from or on any residence located on property zoned residential, agricultural or suburban estates.

§ 5-702 NUMBER OF SALES ALLOWED.

It is unlawful for any person or organization to conduct more than four (4) residential sales during any calendar year at any one address. One event is considered four (4) consecutive days.

§ 5-703 SIGNS OR OTHER ADVERTISING DEVICES.

A. No signs or other devices shall be placed on utility poles, traffic sign poles, trees, culverts or bridges, or any other structure being part of the streets or roadways or within any public right-of-ways.

B. No sign to be posted more than three (3) days prior to the sale.

C. All signs shall be removed within two (2) days of the end of the sale.

§ 5-704 PENALTY.

Any person, firm or corporation or other legal entity which shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense punishable by a fine not to exceed twenty-five (\$25.00) dollars. [Ord. No. 635, 5/24/16]

ARTICLE 8

COLLECTION RECEPTACLES FOR DONATED GOODS

§ 5-801 Collection receptacles for donated goods.

§ 5-801 COLLECTION RECEPTACLES FOR DONATED GOODS.

A. It shall be an unlawful for any for-profit-entity or other natural person to collect donations of unwanted clothing, books or household items via a public receptacle located within the city of Blanchard, Oklahoma unless they are acting as a disclosed agent of an entity that is authorized to collect unwanted

clothing, books, or household items via a public receptacle pursuant to Paragraph B of this Section;

B. Non-profit organizations registered with the Oklahoma Secretary of State that are in good standing with the state of Oklahoma or an organization affiliated with a public school or church having its main office located within the city of Blanchard or within the Blanchard School District or at an a Blanchard address (“authorized entities”), may collect unwanted clothing, books, or household items via a public receptacle located within the city of Blanchard, Oklahoma on the following conditions:

1. All authorized entities, or their disclosed agents, seeking to collect such items must obtain a permit from the Blanchard city clerk prior to the placement of a public receptacle within the city of Blanchard;

2. The application for a permit to place a public receptacle within the city of Blanchard, Oklahoma shall be accompanied with:

- a. The full name and address of the authorized entity to which collections will be donated;
- b. A photograph of the actual receptacle that will be placed within the city;
- c. The name and address of the property owner upon which the receptacle will be placed;
- d. Written permission to locate the receptacle signed by said property owner; and
- e. In the event the receptacle will be operated by a disclosed agent of an authorized entity, the application shall also include:
 - i. Written authorization from the authorized entity stating that the applicant/permittee is acting as the disclosed agent of the authorized entity; and
 - ii. The full name and address of the applicant/permittee that will be operating the collection bin.

3. In the event the receptacle is operated by the authorized entity, the receptacle must contain a disclosure label with the full name and phone number of the authorized entity on the receptacle prominently located in bold letters at least one (1) inch high and one (1) inch wide;

4. In the event the receptacle is operated by a disclosed agent of the authorized entity, the receptacle must contain a disclosure label with the full name of the authorized entity and the full name and phone number of the disclosed agent (permittee).

5. The receptacle must be placed on private property in such a way that it does not block traffic or encroach on any public right of way, street or alley;

6. Any authorized entity not having its main office located within the city of Blanchard or the Blanchard School District or at a Blanchard address that applies for a permit from the Blanchard city clerk for the placement of a receptacle in the city of Blanchard, Oklahoma shall provide the city clerk with the following ADDITIONAL information:

- a. A certificate in good standing of the Authorized Entity issued by the Oklahoma Secretary of State;
- b. A phone number that will provide callers with the actual percentage of the gross value of collections that will benefit the cause for which donations are solicited;
- c. Written evidence of the actual percentage of the gross value of collections that will benefit the cause for which donations are solicited; and
- d. In the event the receptacle is operated by a disclosed agent of the authorized entity, a certificate in good standing of the authorized entity's disclosed agent.

C. All permits for the location of a donation receptacle in the city of Blanchard expire on June 30 of each year and must be renewed annually.

D. As used in this section:

1. "Authorized entity" means an entity which may legally collect unwanted clothing, books, or household items via a public receptacle located within the city of Blanchard, Oklahoma pursuant to Paragraph B of Section 5-801 of the Code of Ordinances of the city of Blanchard;

2. "Public receptacle" means a large container, or donation bin, commonly placed in a parking lot for the purpose of encouraging individuals to donate clothing or other items;

3. "Disclosure label" means a printed or typed notice permanently affixed to a public receptacle on the side or front which is easily readable and legible.

E. Nothing in this section shall apply to paper, glass, plastic, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

F. Any organization or person violating this Ordinance shall, upon conviction, be required to pay a fine of no less than \$50 and no more than two-hundred dollars (\$200.00), plus court costs and assessments as required by state and local law. [Ord. No. 640, 7/26/16; Ord. No. 643, 8/23/16; Ord. No. 647, 11/29/16]

ARTICLE 9

FIREWORKS REGULATIONS

- § 5-901 Adoption of state fireworks laws.
- § 5-902 Application.
- § 5-903 Eligibility.
- § 5-904 Fees.
- § 5-905 Consumer fireworks retail sales facilities requirements.
- § 5-906 General operational requirements.
- § 5-907 Restrictions on the discharge of fireworks.
- § 5-908 Display permit required.
- § 5-909 Enforcement.
- § 5-910 Transferability.
- § 5-911 Signs.
- § 5-912 Penalty.

§ 5-901 ADOPTION OF STATE FIREWORKS LAWS.

The Oklahoma Fireworks laws (Title 68 of the Oklahoma Statutes, as amended, and every ten (10) years recodified thereof) is hereby adopted and incorporated in the Code of Ordinances of the City of Blanchard, Oklahoma, by reference, for the purposes of establishing locally appropriate rules and regulations for the sales, use and storage of fireworks, to specify conditions of sales and licensing provisions, to prohibit certain fireworks, to provide for seizure and disposition of illegal fireworks and to establish penalties for violations. The adoption of this code shall not repeal any existing portion of this Chapter but shall be in addition thereto. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

State Law Reference: Fireworks Laws, Title 68 O.S. §§1621 - 1643.

§ 5-902 APPLICATION.

A. Any resident or organization as defined in §5-903(A) seeking a permit to sell fireworks must apply between May 1 through June 1 of the license year to the city clerk by filing a written application in such form and content as the city manager may prescribe.

B. The applicant must attach or submit with the application, the following documents:

1. a copy of the state's retail fireworks license issued by a licensed wholesaler, manufacturer, or distributor prior to stand opening; and any and all other licenses required by the state of Oklahoma.

2. A copy of a certificate of insurance showing liability and naming the City of Blanchard as a "Certificate Holder" prior to stand opening.

3. A copy of a plot plan as approved by the Fire Chief.

4. Pay any and all fees, as set forth in Section 5-904, as adopted by the city council by motion or resolution, on or before June 1. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-903 ELIGIBILITY.

A. Any new citizen or non-profit, civic, charitable, educational, or religious organization or for profit organization located and domiciled within the corporate limits of the city may be permitted by the city clerk to sell Class C (common) fireworks and related items as set forth below.

B. All applicants previously permitted by the City as of June 1, 2017, are hereby grandfathered to make application again. However, if applicant fails to apply for an application, then the grandfather clause shall cease to exist.

C. Any and all applicants must be at least twenty-one (21) years of age, at the time of application, to be eligible for a permit.

D. All fireworks must be invoiced from a licensed distributor or wholesaler licensed to do business in Oklahoma. The original (not photocopy) invoice must be in applicants name and be available at all times upon request.

F. Further requirements for a non-profit organization are as follows:

1. A letter from the Oklahoma Tax Commission stating that the organization is a non-profit must be provided with the application.

G. Appeals. Should a question arise concerning the eligibility of an individual or an organization to qualify for a license under this article or if the plot plan is not approved by city staff, or the application is denied for any other reason, the matter may be timely submitted to the city council for a final decision at the request of the applicant. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-904 FEES.

A. The permit for the sale of fireworks within the corporate limits of the city shall be obtained by filing a written application for each location with the city clerk and paying a fee, as set by motion or resolution adopted by the city council, for each location no later than June 1 of each year:

1. A permit fee, as set by motion or resolution by the city council, is required for each fireworks stand that a permit is issued. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

Prior Permit Fee: \$25.00

§ 5-905 CONSUMER FIREWORKS RETAIL SALES FACILITIES REQUIREMENTS.

A. The fireworks retail sales facilities must be located on private property zoned commercial, with written permission from the property owner and filed with the application.

B. Fireworks retail sales facilities cannot be placed on the approved site until June 1st or December 1st and shall be removed from their location within fifteen (15) days after July 6 or January 2nd of the same licensed year.

C. Final approval. An inspection shall be performed by the code enforcement officer, city inspector or fire chief (combination thereof) to insure compliance with the Oklahoma State Fire Marshal's rules and regulations by using the state's inspection form. If the applicant meets the requirements set forth above, a permit shall be issued by the city clerk and shall be evidenced by the signature of the city manager, or his designee, upon the application. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-906 GENERAL OPERATIONAL REQUIREMENTS.

A. Any retail sales facility selling consumer fireworks commonly referred to as Class "C", shall meet the minimum requirements as mandated by

O.S. Title 68, Article 16 §1621-1634 and the Oklahoma State Fire Marshal Commission rules established in accordance with O.S. Title 68 §1633.

1. Fireworks retail sales facilities may open for sale from the 15th day of June through the 6th day of July or the first Sunday after July 4th, whichever is later of the same licensed year and December 15th through January 2nd to residents and nonresidents of the state each calendar year. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18; Ord. No. 702, 6/25/19]

§ 5-907 RESTRICTIONS ON THE DISCHARGE OF FIREWORKS.

A. No fireworks shall be discharged, exploded or ignited within five-hundred (500') feet of any fireworks stand, church, hospital, asylum, unharvested flammable agricultural crops, public schools or public property.

B. The discharge of fireworks shall be allowed only on private property during the following times:

1. June 27 through July 3 between the hours of 3:00 p.m. and 11:00 p.m., except that on Fridays and Saturdays during such period, fireworks may be discharged between the hours of 3:00 p.m. and 1:00 a.m.;
2. July 4 between the hours of 8:00 a.m. to 12:00 midnight, except that if July 4 falls on a Friday or a Saturday, fireworks may be discharged between the hours of 3:00 p.m. and 1:00 a.m.;
3. July 5 through July 6 between the hours of 3:00 p.m. and 11:00 p.m., except that on any July 5 or July 6 that falls on a Friday or a Saturday, fireworks may be discharged between the hours of 3:00 p.m. and 1:00 a.m. on the day or days that fall on a Friday or a Saturday;
4. December 31 between the hours of 12:00 Noon to 12:00 midnight; and
5. January 1 from 12:01 a.m. to 12:30 a.m.

C. Consumers must have written permission from property owner to discharge fireworks upon another private property.

D. In the event of a county-wide or state-wide burn ban, the city council may ban all sales and/or place additional restrictions on the discharge of fireworks as it deems appropriate.

E. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at such motor vehicle or at or near any group of people. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-908 **DISPLAY PERMIT REQUIRED.**

A. Special Events Permit. The discharge of fireworks is totally prohibited at all other times, unless permitted by special events issued by the city manager within the week that the Fourth of July occurs. Applicants must file an application for such special events permit and pay a fee as set by the city council adopted by motion or resolution.

B. It is unlawful to discharge any fireworks, except as otherwise provided by this article, at any public display, including but not limited to any public display at any public park. The city manager shall permit the use of fireworks for public or private displays only when the following requirements are met:

1. Applications for such special events permit must be filed with the city clerk and must give the location of the proposed display and complete description of the nature and size of the fireworks to be used. A fee as adopted by the city council by motion or resolution shall be paid upon the filing of the application.

Note: Prior fee \$25.00.

2. A copy of federal form ATF F5400.4, Bureau of Alcohol, Tobacco and Firearms, must be submitted with the application.

3. All the provisions of NFPA 1123 must be met. NFPA 1123 refers to the National Fire Protection Association's Standard for Public Display of Fireworks, as it existed on 12/17/96. This subsection does not apply to the use of Class C (common) fireworks by the general public.

4. Every display requiring a permit shall be handled by a properly trained operator and approved by the city manager. Such fireworks shall be discharged or fired so as not to be hazardous to property or endanger any person.

C. Any permit issued by the city of Blanchard may be subject to any other restrictions and conditions as the city may find necessary.

D. Qualifications of Operators of Public Displays. The operator of any public display of fireworks must be bonded by sureties licensed to do business in the state in a sum sufficient to satisfy the city council, and must possess any

and all licenses required by the state of Oklahoma. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-909 **ENFORCEMENT.**

A. The police department, code enforcement officer, code administrator, city inspector and all members of the fire department, are hereby authorized to issue citations for violations of any part of this article.

B. All applicants must further comply with the fireworks' laws of the state, attached to this article and made a part hereof.

C. The site for the fireworks stand must be inspected by the code enforcement officer, fire chief or city inspector to verify that all requirements for zoning have been met.

D. The site for the fireworks stand must be inspected by the fire department for safety and ordinance compliance.

E. Annual payment of sales tax as required by the Oklahoma Tax Commission.

F. Failure to comply is subject to a penalty as set forth in §5-912 of this code and/or denial of permit for next licensed year. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-910 **TRANSFERABILITY.**

All licenses granted will be strictly and absolutely non-transferable. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-911 **SIGNS.**

All signs advertising a retail fireworks stand and location shall be in compliance with the Blanchard Municipal Code §§4-301 et al. [Ord No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

§ 5-912 **PENALTY.**

Any person, firm or corporation or other legal entity which shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense punishable as provided in Article 6 of this Chapter. Each day or part of a day during which

such violation is continued or repeated shall constitute a separate offense. [Ord. No. 2005-02, 1/11/05; Ord. No. 589, 8/13/13; Ord. No. 617, 7/28/15; Ord. No. 674, 5/22/18]

ARTICLE 10

FOOD TRUCK REGULATIONS

- § 5-1001 Intent.
- § 5-1002 Scope.
- § 5-1003 Definitions.
- § 5-1004 Permit requirements.
- § 5-1005 General requirements.
- § 5-1006 Site plans for locations on private property.
- § 5-1007 Maintenance standards.
- § 5-1008 Penalties for violation.

§ 5-1001 INTENT.

This ordinance provides standards for permitting of food trucks, trailers, and carts. The purpose of these regulations is to:

A. Protect the health, safety, and general welfare of the citizens of the City of Blanchard, Oklahoma;

B. Establish an orderly and equitable system for the proper, legal, and safe placement and operation of food trucks within the City of Blanchard;

C. Improve traffic and pedestrian safety, by minimizing undue obstacles to the motoring public, and by increasing pedestrian opportunities within the City of Blanchard;

D. Protect the rights of individuals and businesses to conduct business in a safe, sanitary, and legal manner;

E. Ensure the fair and consistent enforcement of food truck permitting standards;

F. Protect the tourism industry by promoting a pleasing community image; and

G. Enhance and strengthen economic stability. [Ord. No. 710, 11/12/19]

§ 5-1002 SCOPE.

These provisions apply to any food truck, trailer, or cart, which is based in or operates at any time within the corporate limits of the city of Blanchard, Oklahoma. [Ord. No. 710, 11/12/19]

§ 5-1003 DEFINITIONS.

The definitions contained in this section shall be applied in the interpretation of all sections within this ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular. Anywhere "truck" is used, it shall include "food truck," "food trailer," and "food cart." [Ord. No. 710, 11/12/19]

§ 5-1004 PERMIT REQUIREMENTS.

A. No food truck, trailer, or cart shall operate in or be based within the corporate limits of the City of Blanchard, Oklahoma, unless all necessary permits have been issued by the City of Blanchard. Applicants shall submit an application form to the permits clerk for review before any permit may be issued.

B. Applications will require the following items to be permitted:

1. Information detailing the business name and truck name (or DBA) applying for permit.

2. Oklahoma Sales Tax Permit.

3. General information concerning each food truck to be operated, including:

- i. Year, Make, and Model;
- ii. License Plate Number;
- iii. Copy of Liability Insurance;
- iv. Copy of Current Oklahoma Commercial Driver's License;
- v. Certification by an Oklahoma state or county health department that the food truck is permitted to serve food.

4. Proof that food preparation will be in a safe and sanitary manner, by the demonstration of at least one of the following:

- i. Certification by an Oklahoma state or county health department that the food truck is a permitted, safe, and sanitary kitchen to prepare food, if food is to be prepared on the truck.

- ii. Proof that pre-prepared food is prepared in a commissary kitchen which is compliant with health department regulations of the county it is located in, if food is to be prepared off-site.
- iii. Affidavit that the truck will only serve pre-packaged foods still in their packaging, if no certification by the appropriate departments for either a commissary kitchen or preparation of food on the truck is shown.

5. Proposed location information, approval of private property owner(s), and site plan information for all private sites.

6. Agreement with Blanchard Parks and Recreation for appearance at public events or on public property. City sponsored events may be located upon public right-of-way subject to safety precautions.

7. Permit application fee of \$150 for first application, which will include the site review for one private food truck location; \$25 per year for annual renewal; \$25 for site review of each additional private site; and \$25 for a single-day permit.

C. Food trucks, trailers, or carts shall only operate in compliance with the approved permit.

D. Signs not attached to the food truck shall be regulated by the Blanchard Sign Ordinance.

E. Permits shall expire as of June 30 of each year and must be renewed and shall only require site plans for changing sites. [Ord. No. 710, 11/12/19]

§ 5-1005 GENERAL REQUIREMENTS.

All food trucks, trailers, or carts operating within the City of Blanchard, Oklahoma shall comply with the following requirements:

A. Food trucks may not sell on any public right-of-way. The truck, and any queue lines, shall be prohibited from impeding normal pedestrian and motor traffic.

B. No signs, awnings, or other projections shall project over a roadway, sidewalk, or other path.

C. No sign or food truck shall be located within the sight triangle of any intersection.

D. No sign shall be placed in or project into any public property, easement, or right-of-way, except for government signs that are placed by government officers in the performance of their professional/elected duties.

E. Every food truck shall be maintained in good condition, and in accordance with all safety and health regulations stated in this chapter, at all times.

F. Any food truck, trailer, or cart which operates within the City of Blanchard, Oklahoma, without adhering to the requirements in this section shall be considered in violation of the ordinance. [Ord. No. 710, 11/12/19]

§ 5-1006 SITE PLANS FOR LOCATIONS ON PRIVATE PROPERTY.

Each site on private property on which a food truck or food trucks wish to conduct business shall first have a site plan submitted to and approved by the code enforcement and planning departments of the City of Blanchard. Each site plan should include the following:

A. North arrow and scale.

B. Proposed location of food truck and queue location.

C. Space for eating and table locations, if provided.

D. Portable restroom locations, or locations of permanent restrooms which patrons may use during operating hours of the food truck, if provided.

E. Driveway and access point locations for the truck and for motor and pedestrian patrons.

F. Locations of existing hydrants, buildings, signs, and other features of the site. [Ord. No. 710, 11/12/19]

§ 5-1007 MAINTENANCE STANDARDS.

Any permitted food truck shall be open to inspection by state, county, and city officials during the normal business hours of the vendor's operations. Violations of health requirements may be grounds for immediate suspension of the permit. [Ord. No. 710, 11/12/19]

§ 5-1008 PENALTIES FOR VIOLATION.

Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Article 14 for violation of this Ordinance. [Ord. No. 710, 11/12/19]

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CHAPTER 6

CIVIL DEFENSE

ARTICLE 1

DEPARTMENT OF CIVIL DEFENSE

- § 6-101 Department of civil defense created.
- § 6-102 Civil defense director.
- § 6-103 Civil defense advisory committee.

ARTICLE 2

MISCELLANEOUS PROVISIONS

- § 6-201 Definitions.
- § 6-202 Liability.
- § 6-203 Federal, state or private aid may be accepted.

ARTICLE 3

PENALTY

- § 6-301 Penalty.

ARTICLE 4

OUTDOOR WARNING SYSTEMS

- § 6-401 Outdoor warning systems.
- § 6-402 Fees.
- § 6-403 Deposit of fees.

ARTICLE 1

DEPARTMENT OF CIVIL DEFENSE

- § 6-101 Department of civil defense created.
- § 6-102 Civil defense director.
- § 6-103 Civil defense advisory committee.

§ 6-101 DEPARTMENT OF CIVIL DEFENSE CREATED.

Editor's Note: see chapter 1, §1-325.

§ 6-102 CIVIL DEFENSE DIRECTOR.

Editor's Note: see chapter 1, §§1-316 and 1-325.

§ 6-103 CIVIL DEFENSE ADVISORY COMMITTEE.

Editor's Note: see chapter 1, §§1-317 and 1-325.

ARTICLE 2

MISCELLANEOUS PROVISIONS

- § 6-201 Definitions.
- § 6-202 Liability.
- § 6-203 Federal, state or private aid may be accepted.

§ 6-201 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 city of Blanchard, 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 city of Blanchard, Oklahoma. Such emergency shall be deemed to exist only when the mayor shall so declare any public proclamation and such emergency shall be deemed to exist until the aforesaid mayor shall declare its termination by public proclamation, or until the city council shall declare its termination by resolution.

3. *Natural Emergency.* The term "natural emergency" shall mean any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near the city of Blanchard, 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".

§ 6-202 LIABILITY.

1. Neither the city of Blanchard, 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 city 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 an enemy-caused or a natural emergency.

§ 6-203 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 city of Blanchard, Oklahoma, any services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, the mayor or city manager may accept such offer and may authorize the civil defense director to receive the same, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

ARTICLE 3

PENALTY

§ 6-301 Penalty.

§ 6-301 PENALTY.

Any person, firm or corporation who violates any provision of this chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in §8-301 of this code of ordinances. Each day upon which a violation continues shall be deemed a separate offense.

ARTICLE 4

OUTDOOR WARNING SYSTEMS

§ 6-401 Outdoor warning systems.

§ 6-402 Fees.

§ 6-403 Deposit of fees.

§ 6-401 OUTDOOR WARNING SYSTEMS.

The purpose of this article is to provide for “outdoor warning systems” which shall mean a network of electronic and/or mechanical siren devices, otherwise known as tornado sirens, located throughout the city to alert and warn citizens of approaching severe weather storms and other conditions as deemed necessary by the city manager or his designee. This network is an essential part of an emergency response to a natural or man-made disaster. (Ord. No. 587, 5/14/13)

§ 6-402 FEES.

The initial fee under this article shall be twenty-five dollars (\$25) per acre or per lot [whichever is greater] with the city for the future placement, expansion and upgrade of outdoor warning devices (sirens). This fee may be amended, from time to time, by motion or resolution by the city council.

A. All developers shall deposit the minimum fee at the time of final platting along with administrative fees and those fees associated with developments.

B. All applicants for short form subdivisions (lot splits) shall deposit the minimum fee at the time of filing application.

C. All applicants for building permits, not addressed in A or B above, shall deposit the minimum fee at the time of application for a building permit.

D. All applicants for zoning reclassification of property, shall deposit the minimum fee at the time of application for rezoning.

E. All applicants for variance and/or permitted use on review before the Board of Adjustment, shall deposit the minimum fee at the time of such application. (Ord. No. 587, 5/14/13)

§ 6-403 **DEPOSIT OF FEES.**

The fees provided for in Section 6-402 above shall be deposited in an account entitled “Outdoor Warning System Improvement Fund” within the Capital Projects Fund. Such fees shall be budgeted and appropriated for the purposes of the future placing, expanding, upgrading, and maintenance of a network of outdoor warning devices throughout the city of Blanchard. (Ord. No. 587, 5/14/13)

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CHAPTER 7

FIRE PREVENTION

ARTICLE 1

FIRE PREVENTION

- § 7-101 Volunteer fire department.
- § 7-102 Fire prevention code: enforcement; variances.

ARTICLE 2

RURAL FIRE PROTECTION

- § 7-201 Authorization for rural fire services; right-of-way.
- § 7-202 Charges for fire calls made outside the city limits of the city of Blanchard.

ARTICLE 3

MISCELLANEOUS PROVISIONS

- § 7-301 Repealed.
- § 7-302 Explosives.
- § 7-303 Depositing ashes.
- § 7-304 Storing hay.
- § 7-305 Inter-governmental cooperation authorized.

ARTICLE 4

PENALTY

- § 7-401 Penalty.

ARTICLE 1

FIRE PREVENTION

§ 7-101 Volunteer fire department.

§ 7-102 Fire prevention code: enforcement; variances.

§ 7-101 VOLUNTEER FIRE DEPARTMENT.

1. There is hereby established for the city of Blanchard, Oklahoma, a volunteer fire Department under the provisions of the Oklahoma Volunteer Firemen's Act.

2. The Blanchard, Oklahoma volunteer fire department shall consist of not less than twelve (12) and not more than thirty (30) members serving a nine-one-one (911) emergency telephone area of fifty (50) square miles or more. The department shall not employ more than three (3) full-time, salaried firemen. Members of the Blanchard, Oklahoma, fire department may continue as members of the volunteer fire department established under this code of ordinances without probation, but shall be subject to the by-laws authorized under this code of ordinances.

3. All new members shall be on probation for one year after their appointment to the department and shall not become regular members of the department until the completion of said probationary period and until they have been approved by the majority of the regular members of the department, subject to the ratification of the appointment by the city manager of the city of Blanchard.

4. The Blanchard, Oklahoma, volunteer fire department shall adopt by-laws (a copy of which shall be deposited with the city clerk-treasurer), which shall include the following:

- a. All volunteer fire fighters are required, when notified, to respond to alarms of fire and other emergencies;
- b. All volunteer fire fighters are required to be present at all regular meetings, called meetings and schools presented for the benefit of the fire fighters;
- c. There shall be at least one regular business meeting each month;
- d. Any volunteer fire fighter having two (2) unexcused absences in a period of three (3) months, will be dropped from the department rolls;

- e. Volunteer fire fighters leaving the city for an extended period of time shall notify the fire chief in advance;
- f. Any volunteer fire fighter refusing to attend training classes provided for him will be dropped; and
- g. Any volunteer of the fire department shall be dropped from the rolls by the city manager, upon the recommendation of the fire chief, for any of the following offenses:
 - 1) conduct unbecoming a fire fighter;
 - 2) insubordination;
 - 3) neglect of duty;
 - 4) violation of rules and regulations governing the department;
 - 5) conviction of a felony.

5. Copies of this code of ordinances and any amendments thereto relating to the volunteer fire department of the city of Blanchard, Oklahoma, shall be submitted to the state insurance commissioner. (Ord. No. 1993-02, 6/8/93; Ord. No. 580, 2/26/13; Ord. No. 596, 11/12/13)

Editor's Note: see chapter 1, §§1-309 and 1-310, this code of ordinances.

§ 7-102 FIRE PREVENTION CODE: ENFORCEMENT: VARIANCES.

1. The fire prevention code adopted by the city council shall be enforced by the Blanchard, 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.

2. The chief of the Blanchard, Oklahoma volunteer fire department, with the approval of the city council, shall have the power to grant a variance to any of the provisions of the fire prevention code, upon application in writing of 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 modification, when granted or allowed, and the decision of the fire chief thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Ed. Note: see also chapter 4, this code of ordinances.

ARTICLE 2

RURAL FIRE PROTECTION

- § 7-201 Authorization for rural fire services; right-of-way.
§ 7-202 Charges for fire calls made outside the city limits of the city of Blanchard.

§ 7-201 AUTHORIZATION FOR RURAL FIRE SERVICES; RIGHT-OF-WAY.

1. The city of Blanchard, Oklahoma, is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state of Oklahoma for fire protection outside the corporate limits of said city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

2. Any contract entered into by the city of Blanchard, Oklahoma, with an individual owner, firm, private corporation or private or non-profit association, for outside aid or mutual aid for fire protection, shall provide for the payment by said owner, firm, private corporation, private or non-profit association, or political sub-division to the city of Blanchard, Oklahoma, for such fire apparatus and personnel at the rate of no less than one-hundred dollars (\$100.00) per hour. All monies received from said call shall go into the Fund designated by motion of the city council.

3. The fire department of the city of Blanchard, Oklahoma, is hereby authorized and directed to answer all outside calls within a distance of five (5) miles from the nearest fire station, unless, in the opinion of the fire chief, it is not expedient to do so because of another fire in the city, broken apparatus, impassable or dangerous highways, or other physical conditions.

4. All firemen of the fire department of the city of Blanchard, Oklahoma, attending or serving at fires, or doing fire prevention work outside the corporate limits of said city, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city of Blanchard, Oklahoma, and said firemen shall be entitled to all the benefits of any Firemen's Pension and Relief Fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the city of Blanchard, Oklahoma.

5. The fire department of the city of Blanchard, Oklahoma, answering any fire alarm or call, or performing any fire prevention services outside the corporate limits of said city, shall be considered as an agent of the state of Oklahoma, and acting solely and alone in a governmental capacity, and said municipality shall not be liable in damages for any act of commission, omission

and negligence while answering or returning from any fire or reported fire, or doing any fire prevention work under and by virtue of subsections 1, 2, 3 or 4 hereof.

6. All motorized equipment of the fire department of the city of Blanchard, Oklahoma, shall have the right-of-way over all other commercial and pleasure vehicles.

§ 7-202 **CHARGES FOR FIRE CALLS MADE OUTSIDE THE CITY LIMITS OF THE CITY OF BLANCHARD.**

The city council shall charge the following fees to persons or property-owners involved, the sum of two-hundred fifty (\$250.00) for the first hour or portion thereof, with an hourly charge of one-hundred (\$100.00) for each additional hour or portion thereof, for fire calls outside the corporate boundaries of the city of Blanchard, Oklahoma. (Ord. No. 1990-04, 2/13/90; Ord. No. 2003-09, 9/9/03)

ARTICLE 3

MISCELLANEOUS PROVISIONS

- § 7-301 Repealed.
- § 7-302 Explosives.
- § 7-303 Depositing ashes.
- § 7-304 Storing hay.
- § 7-305 Inter-governmental cooperation authorized.

§ 7-301 **REPEALED.**

§ 7-302 **EXPLOSIVES.**

1. It shall be unlawful for any person or persons to store, keep, or have on their premises or in their possession, any explosive materials of any kind or nature without first having complied with the laws of the state of Oklahoma for the purpose of selling, storing or keeping such articles, and without first having received the consent of the Blanchard, Oklahoma, city council.

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.

§ 7-303 DEPOSITING ASHES.

It shall be unlawful and an offense for any person or persons to deposit any ashes or fire coals in or within ten (10) feet of any building, fence or other combustible material located within the corporate limits of the city of Blanchard, Oklahoma.

§ 7-304 STORING HAY.

It shall be an offense for any person being the occupant or owner or lessee of any dwelling house, storehouse, warehouse or cellar located within the corporate limits of the city of Blanchard, Oklahoma, to keep or permit to be kept therein any straw, hay, shavings or other combustible materials other than is actually necessary for the operation of his or their business.

§ 7-305 INTER-GOVERNMENTAL COOPERATION AUTHORIZED.

1. The city of Blanchard, Oklahoma, in an effort to improve the quality of fire protection within said community, and to protect the health, welfare and safety of its citizens, does hereby determine that any or all members of the fire department of the city of Blanchard, Oklahoma, are authorized to assist the fire departments of Newcastle, Goldsby, Cole or any McClain, Grady or Cleveland County rural fire departments in protecting said areas, upon receipt of a valid request for assistance. For purposes of this section, "request for assistance" shall mean a request for help, in an emergency situation by the city manager, mayor, police chief, fire chief, dispatcher or county representative of the above entities. Upon receipt of this request for aid, any member of the Blanchard fire department shall respond to said request for assistance.

2. In an attempt to increase the effectiveness of fire protection within the corporate limits of the city of Blanchard, Oklahoma, and to provide for the health, welfare and safety of the citizens of said community, the city of Blanchard, Oklahoma, does hereby authorize any or all fire department personnel of the cities of Goldsby, Cole, Newcastle or of McClain, Grady or Cleveland Counties, to respond to a request for assistance by the city of Blanchard, Oklahoma, within said community. Notification shall be given by the mayor, city manager, chief of police, fire chief or the dispatcher of the city of Blanchard, Oklahoma, and the fire department Officers extending said aid shall have full powers to act within the corporate limits of the city of Blanchard, Oklahoma, while under a request for assistance.

ARTICLE 4

PENALTY

§ 7-401 Penalty.

§ 7-401 PENALTY.

Any person, firm or corporation who violates any provision of this chapter, including the provisions of any code adopted by the city of Blanchard, Oklahoma, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in §8-301, of this code of ordinances. Each day upon which a violation continues shall be deemed a separate offense.

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CHAPTER 8

GENERAL AND MISCELLANEOUS PROVISIONS

ARTICLE 1

RULES OF CONSTRUCTION

§ 8-101 Rules of construction.

ARTICLE 2

MISCELLANEOUS PROVISIONS

§ 8-201 Certain ordinances not affected by code.
§ 8-202 Enumeration of provisions.
§ 8-203 Code does not affect prior offenses or rights.
§ 8-204 Ordinances effective on certain property outside of city.
§ 8-205 Designation and citation of code.
§ 8-206 Catchlines of sections.
§ 8-207 Severability of parts of code.

ARTICLE 3

PENALTY; JUDICIAL RELIEF

§ 8-301 General penalty for violations.
§ 8-302 Judicial relief.

ARTICLE 1

RULES OF CONSTRUCTION

§ 8-101 Rules of construction.

§ 8-101 RULES OF CONSTRUCTION.

In the construction of this code of ordinances and of all subsequent ordinances and resolutions passed by the city council of the city of Blanchard, Oklahoma, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of said city council.

1. *Chief of police or police chief.* Reference to the “chief of police” of the “police chief” shall mean the chief of police or the police officer in charge of the police force of the city of Blanchard, Oklahoma.

2. *City, town or municipality.* The words “the city” or “the town” or “the municipality” shall mean the city of Blanchard, in McClain 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 city attorney of the city of Blanchard, Oklahoma.

4. *City clerk-treasurer, town clerk-treasurer or clerk-treasurer of the municipality.* Reference to the “city clerk-treasurer”, the “town clerk-treasurer” or the “clerk-treasurer of the municipality” shall mean the city clerk-treasurer of the city of Blanchard, 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 city of Blanchard, Oklahoma.

6. *City manager.* The term “city manager” shall mean the appointed city manager of the city of Blanchard, Oklahoma.

7. *City treasurer, town treasurer or treasurer.* Whenever reference is made to the “city treasurer”, the “town treasurer” or the “treasurer”, it shall mean the city clerk-treasurer of the city of Blanchard, Oklahoma.

8. *Code.* Reference to “this code” or “the code” shall mean the code of ordinances of the city of Blanchard, Oklahoma.

9. *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 excluded in computing the time, but the day on which such proceeding is to be had, shall be included.

10. *County.* Reference to the terms “county”, “the county” or “this county” shall mean McClain County, Oklahoma.

11. *Court or municipal court.* The words “court” or “municipal court” shall mean the municipal court of the city of Blanchard, Oklahoma.

12. *Gender.* A word importing the masculine gender only shall extend, and be applied to, females, firms, partnerships and corporations, as well as to males.

13. *Health officer or health department.* Wherever 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 city of Blanchard, Oklahoma.

14. *Highway.* The term “highway” shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the city of Blanchard, Oklahoma, dedicated or devoted to public use.

15. *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.

16. *Judge.* The word “judge” shall mean the judge of the municipal court of the city of Blanchard, Oklahoma, including the acting judge and/or alternate judge thereof, as provided by Oklahoma statutes and this code of ordinances.

17. *Judicial district.* The term “judicial district” shall mean the district court, judicial district of the state of Oklahoma, wherein the situs of government of the city of Blanchard, Oklahoma, is situated.

18. *May.* The word “may” is permissive; the word “shall” is mandatory.

19. *Mayor.* Whenever reference is made to the “mayor”, it shall mean the chief elected official of the city of Blanchard, Oklahoma.

20. *Month.* The word “month” shall mean a calendar month.

21. *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.

22. *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”.

23. *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 city of Blanchard, Oklahoma.”

24. *Or, and.* “Or” may be read “and” and “and” may be read “or” if the sense requires it.

25. *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.

26. *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.

27. *Policeman.* Reference to a “policeman” shall mean the chief of police or any police officer of the city of Blanchard, Oklahoma.

28. *Preceding or following.* The words “preceding” or “following” shall mean next before and next after, respectively.

29. *Roadway.* The word “roadway” shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

30. *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.

31. *Signature or Subscription.* The word “signature” or “subscription” shall include a mark when a person cannot write.

32. *State.* The words “state”, “the state” or “this state” shall be construed to mean the state of Oklahoma.

33. *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 1981 statutes also means the comparable provision when included in future codifications or supplementations of said statutes.

34. *Street.* The term “street” shall include any highway, alley, street, avenue, public place, underpass or overpass in the city, dedicated or devoted to public use.

35. *Tense.* Words used in the past or present tense shall include the future, as well as the past and present.

36. *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.

37. *Year.* Unless otherwise designated, the word “year” shall mean a calendar year.

ARTICLE 2

MISCELLANEOUS PROVISIONS

- § 8-201 Certain ordinances not affected by code.
- § 8-202 Enumeration of provisions.
- § 8-203 Code does not affect prior offenses or rights.
- § 8-204 Ordinances effective on certain property outside of city.
- § 8-205 Designation and citation of code.
- § 8-206 Catchlines of sections.
- § 8-207 Severability of parts of code.

§ 8-201 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, obligating or guaranteeing the payment of money for or to the city of Blanchard, 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;

- c. a special election; or
 - d. prescribing salaries for Municipal officers and employees.
3. Ordinances which provide for the annexation or de-annexation of territory to or from the city of Blanchard, 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 or others the right to use specific streets, alleys or rights-of-way;
 11. Ordinances changing the zoning district classification of a specific parcel of real property; or
 12. Other temporary or special ordinances.

§ 8-202 **ENUMERATION OF PROVISIONS.**

1. Provisions of state law which affect the city of Blanchard, 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 city of Blanchard, 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 city of Blanchard, 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 may 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 city of Blanchard, Oklahoma; duly authorized officers and agents of said city shall have all power, duties and responsibilities necessary to enforce the same.

§ 8-203 **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.

§ 8-204 **ORDINANCES EFFECTIVE ON CERTAIN PROPERTY OUTSIDE OF CITY.**

1. All provisions of this code of ordinances and other ordinances of the city of Blanchard, Oklahoma, now in effect or adopted in the future, are hereby extended to all real property belonging to, or under the control of, the city of Blanchard, Oklahoma, outside the corporate limits of said city, 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 city of Blanchard, Oklahoma, shall be deemed to mean and include also such outlying real property belonging to, or under the control of, said city, unless the context clearly indicates otherwise.

§ 8-205 **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, city of Blanchard, Oklahoma,” and may be so cited. Such code may also be cited as the “Blanchard, Oklahoma, city code”, or the “Blanchard Municipal Code”.

§ 8-206 **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 sections, nor 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 re-enacted.

§ 8-207 SEVERABILITY OF PARTS OF CODE.

1. It is hereby declared to be the intention of the city council of the city of Blanchard, Oklahoma, that the sections, paragraphs, sentences, clauses and phrases of this code of ordinances are separable 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 city council 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.

ARTICLE 3

PENALTY; JUDICIAL RELIEF

§ 8-301 General penalty for violations.
§ 8-302 Judicial relief.

§ 8-301 GENERAL PENALTY FOR VIOLATIONS.

Whenever, in this code or in any ordinance of the City of Blanchard, Oklahoma, an act is prohibited, is made or declared to be unlawful, an offense, or misdemeanor, or whenever in the code or ordinance the doing of an act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such ordinance or provision of this code shall be punishable as follows:

The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed two-hundred dollars (\$200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed eight-hundred dollars (\$800.00) or imprisonment not to exceed sixty (60) days, or both such fine and imprisonment. For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed seven-hundred fifty dollars (\$750.00) or imprisonment not to exceed sixty (60) days, or both such fine and imprisonment. The court shall remit fifty dollars (\$50.00) of each alcohol-related fine or deferral fee to a fund of the municipality that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol,

other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. Costs shall be charged pursuant to the provisions of Title 11 O.S. Section 27-126. For violations of the city ordinances regulating the pretreatment of wastewater and regulating storm water discharges the maximum fine shall not exceed one-thousand dollars (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days or both such fine and imprisonment.

In accordance with Title 11 O.S. Section 14-111, the city shall not impose a penalty, including fine or deferral fee in lieu of a fine and costs, which is greater than that established by statute for the same offense. 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. (Previous Code; Ord. No. 618, 8/25/15)

State Law Reference: 11 O.S. Section 14-111 sets out maximum fines chargeable by municipalities with courts not of record; 11 O.S. Section 27-119 provides that in prosecutions for offenses for which a municipality seeks the imposition of a fine over \$500.00, excluding court costs, or imprisonment, or both, a defendant is entitled to a jury trial.

§ 8-302 JUDICIAL RELIEF.

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

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CHAPTER 9

HEALTH AND SAFETY

ARTICLE 1

CONTAGIOUS DISEASES

- § 9-101 Introducing diseases.
- § 9-102 Report of contagious diseases.
- § 9-103 Quarantine.

ARTICLE 2

SANITARY FACILITIES

- § 9-201 Definitions.
- § 9-202 Owner to provide proper toilet facilities.
- § 9-203 Proper disposal of human excrement required.
- § 9-204 Unauthorized facilities declared public nuisances.

ARTICLE 3

MISCELLANEOUS PROVISIONS

- § 9-301 Abandoned ice boxes, refrigerators and containers.
- § 9-302 "Food service sanitation code" adopted.
- § 9-303 "Milk ordinance" adopted.

ARTICLE 4

PENALTY

- § 9-401 Penalty.

ARTICLE 1

CONTAGIOUS DISEASES

- § 9-101 Introducing diseases.
- § 9-102 Report of contagious diseases.
- § 9-103 Quarantine.

§ 9-101 INTRODUCING DISEASES.

1. It shall be unlawful for any person affected with, or exposed to, any contagious or infectious disease, to be upon any street or in any public place in the city of Blanchard, Oklahoma; the purpose of this requirement is to avoid exposing other persons to such a disease.

2. It shall be unlawful for any parent, guardian or person having charge of any child or children to allow, or permit, such child or children to attend any classes, school or any gathering of people, or to appear upon any street or in any public place in the city of Blanchard, Oklahoma, while infected with, or exposed to, any contagious or infectious disease, or in any manner to allow other persons to be exposed to such a disease.

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

§ 9-102 REPORT OF CONTAGIOUS DISEASES.

1. Every physician practicing in the city of Blanchard, Oklahoma, shall report to the county health official, within six (6) hours after the diagnosis of the same, the appearance of any of the following diseases: diphtheria (including membranous croup), scarlet fever, smallpox, yellow fever, typhoid fever, typhus fever, asiatic cholera, chicken pox, tuberculosis, undulant fever, acute anterior, poliomyelitis (infantile paralysis), epidemic cerebrospinal meningitis, whooping cough, mumps, or any other pestilential, infectious or contagious disease.

2. Syphilis, gonococcus infection and cancrroid are hereby and hereinafter recognized and declared to be contagious, infectious, communicable and dangerous to the public health. The term "venereal disease", as used in this chapter, shall include all such diseases.

3. The statutes of the state of Oklahoma governing the diseases stated hereinbefore shall apply to all cases of this nature, after said report is made.

§ 9-103 QUARANTINE.

1. It shall be unlawful for any person to enter, or go upon, any ground or premises under quarantine, without first having obtained permission to do so from the local or county health official.

2. It shall be unlawful for any person whom the local or county health official shall have ordered to be detained in quarantine, to neglect or refuse to be so detained, or to willfully violate any quarantine regulation thereof.

3. It shall be unlawful for any person to tear down, remove, deface, mutilate or destroy any order, notice or flag that may be posted or displayed by the local or county health official.

4. It shall be unlawful for any person to willfully violate, or refuse to comply with, any lawful order, direction, prohibition, rule or regulation of any officer or official charged with enforcement of such order, direction, prohibition, rule or regulation.

ARTICLE 2

SANITARY FACILITIES

§ 9-201 Definitions.

§ 9-202 Owner to provide proper toilet facilities.

§ 9-203 Proper disposal of human excrement required.

§ 9-204 Unauthorized facilities declared public nuisances.

§ 9-201 DEFINITIONS.

1. *Human excrement.* The term “human excrement” is used herein to mean the bowel and kidney discharge of human beings.

2. *Sanitary pit privy.* The term “sanitary pit privy” is used herein to mean a privy which is rebuilt or constructed to conform to the specifications approved by the Oklahoma State Department of Health.

3. *Sanitary water closet.* The term “sanitary water closet” is used herein to mean 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.

§ 9-202 OWNER TO PROVIDE PROPER TOILET FACILITIES.

1. Every owner of a residence or other building in which humans reside, are employed or congregate, shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement; this requirement shall

include a sanitary water closet or closets, a water closet or closets connected to an approved septic tank, or a sanitary pit privy or privies.

2. The closets and toilets required herein shall be of the sanitary water closet type when located within three-hundred (300) feet of any municipal sanitary sewer line and accessible thereto. It shall be the duty of every owner of property so located, to connect, or cause to be connected, his toilet(s) with the municipal sanitary sewer system, and to make every proper connection so that each toilet is properly connected with said municipal sewer system.

3. When not so located, the closet or toilet shall be of:

- a. the sanitary water closet types, so connected to a sanitary sewer (notwithstanding the distance from it);
- b. the water closet type, connected to a septic tank approved by the county health officer; or
- c. the sanitary pit privy type, approved by the county health officer.

§ 9-203 PROPER DISPOSAL OF HUMAN EXCREMENT REQUIRED.

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

§ 9-204 UNAUTHORIZED FACILITIES DECLARED PUBLIC NUISANCES.

All facilities for the disposal of human excrement in a manner different from that required by this code of ordinances, and all privies and closets so constructed, situated or maintained as to endanger the public health, are hereby declared to be public nuisances and may be dealt with, and abated, as such.

Ed. Note: see chapter 12, this code of ordinances.

ARTICLE 3

MISCELLANEOUS PROVISIONS

- § 9-301 Abandoned ice boxes, refrigerators and containers.
- § 9-302 “Food service sanitation code” adopted.
- § 9-303 “Milk ordinance” adopted.

§ 9-301 **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.

§ 9-302 **“FOOD SERVICE SANITATION CODE” ADOPTED.**

1. The United States Public Health Service “Food Service Sanitation Ordinance and Code”, current edition, is hereby adopted and incorporated as fully as if set out at length herein.

2. From the date on which this chapter shall take effect, the provisions of said code, as herein modified, shall be controlling in the regulation of food service establishments within the corporate limits of the city of Blanchard, Oklahoma.

3. Three (3) copies of said code are filed in the office of the city clerk-treasurer.

4. No fee shall be required for a municipal permit to operate a food service establishment.

§ 9-303 **“MILK ORDINANCE” ADOPTED.**

1. The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for ultimate consumption within the city of Blanchard, Oklahoma; the inspection of dairy herds, dairy farms and milk plants; the issuance and revocation of permits to milk producers, haulers and distributors, shall be regulated in accordance with the provisions of the “Milk Ordinance—Recommendations of the Public Health Service, revised to comply with Oklahoma state statutes.”

2. From the date on which this chapter shall take effect, the provisions of said ordinance, as herein modified, shall regulate milk and milk products within the corporate limits of the city of Blanchard, Oklahoma.

3. Three (3) copies of said ordinance are on file in the office of the city clerk-treasurer.

ARTICLE 4

PENALTY

§ 9-401 Penalty.

§ 9-401 PENALTY.

Any person who violates any provision of this chapter or of any ordinance, code or standard 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 fined in any sum not to exceed the limits established in §8-301, of this code of ordinances. Every day upon which a violation continues shall be deemed a separate offense.

CHAPTER 10

MANUFACTURED, MOBILE AND MODULAR HOUSING

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ARTICLE 1

GENERAL PROVISIONS

- § 10-101 Purpose.
- § 10-102 Definitions.
- § 10-103 Free-standing mobile homes.
- § 10-104 Non-residential mobile homes or trailers.

§ 10-101 PURPOSE.

1. The purpose of this chapter is to provide regulations for areas within the corporate boundaries of the city of Blanchard, Oklahoma, wherein the location and development of manufactured housing, mobile homes, mobile home parks, trailer parks, manufactured and mobile home subdivisions and modular housing units or additions may be safely continued and encouraged.

2. The regulations set forth in this chapter are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of manufactured housing and mobile home parks and subdivisions, trailer parks and modular housing units and additions.

§ 10-102 DEFINITIONS.

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

1. *Buffer planting strip.* The term “buffer planting strip” shall mean a visual screening facility, consisting of not less than one row of shrubbery spaced not more than eight (8) feet apart, which will eventually grow to a height of not less than twelve (12) feet; such a strip may, as an alternative, consist of an earthen berm or solid fencing, or any combination of earthen berm, fencing and/or landscaping, all of which shall total at least eight (8) feet in height.

2. *Greenbelt planting strip.* The term “greenbelt planting strip” shall mean a landscaped area, not less than twenty (20) feet in width, used along all subdivision boundaries; such greenbelt planting strip shall be composed of:

- a. one 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 shrub not more than thirty (30) feet apart; and

- c. not less than three (3) rows of shrubs, spaced not more than eight (8) feet apart, all of which shrubs must eventually be capable of growing to at least four (4) to six (6) feet in height.

3. *Health official.* The term “health official” shall mean the municipal building inspector or the agent designated by the city manager as the legally-designated health authority of the city of Blanchard, Oklahoma, (or his authorized representative), or the authorized representative of the McClain County Health Department or the state Department of Health.

4. *Manufactured housing.* The term “manufactured housing” 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 (3) types of manufactured housing are defined as meeting all of the requirements listed below, and are to be considered separate from mobile or modular housing:

a. Type I Manufactured Housing shall:

- 1) Have more than one-thousand (1000) square feet of occupied space in a typically double-section or larger multi-section unit, with a minimum width of twenty (20) feet;
- 2) Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the city’s foundation code or other adopted foundation requirements, and the manufacturer’s specifications;
- 3) Utilize a permanent perimeter enclosure, in accordance with municipally-approved installation standards;
- 4) Have wheels, axles and hitch mechanisms removed;
- 5) Have all utilities connected, in accordance with the appropriate municipal codes and the manufacturer’s specifications;
- 6) Have siding material of a type customarily used on site-built residences in the community and neighborhood;
- 7) Have roofing material of a type customarily used on site-built residences in the community and neighborhood;
- 8) Have a one-hundred (100) square foot (minimum) attached, covered and/or enclosed parking garage, which is compatible

with other housing in the immediate area; all parking and driveway areas shall be hard-surfaced;

- 9) Have legitimate front and rear doors; and
- 10) Have a minimum eave width of six (6) inches.

b. Type II Manufactured Housing shall:

- 1) Have more than seven-hundred and twenty (720) square feet of occupied space in a single, double, expanded or multi-§ unit (including those with add-a-room units);
- 2) Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the city's foundation code or other adopted foundation standards, and the manufacturer's specifications;
- 3) Utilize a permanent perimeter enclosure, in accordance with municipally-approved installation standards;
- 4) Have wheels, axles and hitch mechanisms removed;
- 5) Have utilities connected in accordance with appropriate municipal codes and the manufacturer's specifications;
- 6) Have siding material of a type customarily used on site-built residences in the community and neighborhood;
- 7) Have roofing material of a type customarily used on site-built residences in the community and neighborhood;
- 8) Have a one-hundred (100) square foot (minimum) attached, covered and/or enclosed parking garage, which is compatible with other housing in the immediate area; all parking and driveway areas shall be hard-surfaced;
- 9) Have legitimate front and rear doors; and
- 10) Have a minimum eave width of six (6) inches.

c. Type III Manufactured Housing shall:

- 1) Have more than four-hundred (400) square feet of occupied space, in a single, double, expanded or multi-section unit (including those with add-a-room units);

- 2) Be placed onto a support system, in accordance with municipally-approved installation standards;
- 3) Be enclosed with foundation siding or skirting, in accordance with municipally-approved installation standards;
- 4) Be anchored to the ground, in accordance with the manufacturer's specifications and the city's appropriate, adopted code; and
- 5) Have utilities connected, in accordance with appropriate municipal requirements and the manufacturer's specifications.

5. *Municipal building inspector.* The term "municipal building inspector" shall mean the municipal building inspector of the city of Blanchard, Oklahoma, or his authorized agent.

6. *Mobile home.* The term "mobile home" shall mean any single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbed or other trailers (both highway and rail) and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and similar operations.

7. *Mobile home, dependent.* The term "dependent mobile home" shall mean any mobile home which does not have a flush toilet and a bath or shower. For purposes of regulation under this chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified.

8. *Mobile home, free-standing.* The term "free-standing mobile home or travel trailer" shall mean any mobile home or travel trailer not located in a mobile home park or travel trailer park respectively, licensed by the city of Blanchard, Oklahoma, or in an approved mobile home subdivision.

9. *Mobile home park.* The term "mobile home park" shall mean any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

10. *Mobile home space.* The term "mobile home space" shall mean any plot of ground within a mobile home park designed for the accommodation of one mobile home, and not located on a mobile home sales lot.

11. *Mobile home subdivision.* The term “mobile home subdivision” shall mean any subdivision designed and intended for residential use, where residence is in mobile homes or manufactured housing exclusively, and lots are sold for occupancy.

12. *Modular home.* The term “modular home” shall mean any factory-fabricated, transportable building unit, not built upon a permanent chassis, designed to be used by itself or to be incorporated with similar units on a permanent foundation; the term is intended to apply to major assemblies and does not include prefabricated sub-elements incorporated into a structure at the site, nor does it include any type of “manufactured housing” as defined herein; any “modular home” must meet United States government “modular home” certification standards.

13. *Non-residential mobile trailer.* The term “non-residential mobile trailer” shall mean any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale (as indicated by a clearly displayed sign on or near the trailer).

14. *Park.* The word “park” shall mean a mobile home and/or travel trailer park.

15. *Public water or sewer system.* The term “public water system” or “public sewer system” shall mean any such system built and owned by, or dedicated to and accepted by, the city of Blanchard, Oklahoma; all other such systems shall be deemed private system.

16. *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.

17. *Subdivision.* The word “subdivision” shall mean a manufactured housing or mobile home subdivision, unless otherwise indicated.

18. *Travel trailer.* The term “travel trailer” shall mean all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational and vacation use. For purposes of regulation under this chapter, a “dependent mobile home” shall be considered to be the same as a travel trailer, unless otherwise specified.

19. *Travel trailer park.* The term “travel trailer park” shall mean any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

20. *Travel trailer space.* The term “travel trailer space” shall mean a plot of ground within a travel trailer park designed for accommodation of one travel trailer.

Ed. Note: see article 4, this chapter.

§ 10-103 FREE-STANDING MOBILE HOMES.

1. Except as permitted in the A-1 Zoning District or in approved mobile home parks or as set forth in this section of the code of the city of Blanchard, no free-standing mobile home or travel trailer shall be permitted on property within the corporate limits of the city of Blanchard, Oklahoma.

2. Free-standing mobile homes or travel trailers are permitted within properly zoned, regular commercial mobile home or travel trailer sales lots.

3. No more than one travel trailer (maximum length thirty-six (36) feet) may be stored or permitted to be stored on a residential lot; provided that such travel trailer shall not be occupied as a residence while located upon a residential lot (except as provided herein in section 10-104) and shall not encroach upon any public utility easement, public property nor shall any portion of said travel trailer project beyond the front yard building line.

4. Travel trailers not to exceed forty (40) feet in length shall be permitted (when specified on the building permit) for temporary residential use in any residential or agriculture zoning district where a building permit for a residence has been issued. The permit shall allow an initial time period of six (6) months and renewals of three (3) month intervals not to exceed one year in total. Permit renewals shall be subject to a demonstration of substantial construction progress. Mobile homes and manufactured housing are not allowed as temporary housing. (Ord. No. 1990-07, 6/8/99; Ord. No. 1997-06, 8/12/97)

§ 10-104 NON-RESIDENTIAL MOBILE HOMES OR TRAILERS.

1. Non-residential mobile homes or trailers shall not be permitted in the city of Blanchard, Oklahoma, unless a temporary permit for operation is issued by the municipal building inspector; such permit shall specify the permitted use of the non-residential mobile home or trailer, the location of such operation and the termination date of the permit, and shall only be issued under terms of this code of ordinances and the adopted zoning ordinance of the city of Blanchard, Oklahoma.

2. No permit shall be issued for a use which would violate any local, state or federal ordinance, law or regulation.

3. An annual fee of twenty (\$20.00) dollars shall be charged for each non-residential mobile home or trailer permit; provided, that, no governmental or non-profit agency shall be charged for such a fee.

4. Operation of non-residential mobile homes or trailers by contractors or construction projects for which building permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project.

5. This section shall not be construed as permitting or authorizing the permanent location of any non-residential mobile home or trailer within the corporate limits of the city of Blanchard, Oklahoma, in conflict with any adopted zoning ordinance of said city.

ARTICLE 2

MOBILE HOME, MANUFACTURED HOUSING AND TRAILER PARKS

- § 10-201 Permits; requirements; procedures; fees.
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- § 10-212 Fuels; power sources.
- § 10-213 Fire protection.
- § 10-214 Alterations and additions.
- § 10-215 Registration of owners and occupants.
- § 10-216 Tie-downs.

§ 10-201 PERMITS; REQUIREMENTS; PROCEDURES; FEES.

1. It shall be unlawful for any person to construct, maintain or operate any mobile home, manufactured housing or travel trailer park within the limits of the city of Blanchard, Oklahoma, unless he holds a valid permit issued annually by the municipal building inspector of the city of Blanchard, Oklahoma, in the name of such person for the specific park, except that the maintenance or operation of an existing park on the effective date of this 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 municipal building inspector, in writing, within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any such park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park.

3. Application for original permits shall be in writing, signed by the applicant, and shall contain the following:

- a. Name and address of the applicant;
- b. The interest of the applicant in, and the location and legal description of, the park;
- c. A complete site plan of the park, showing compliance with all applicable provisions of this chapter and regulations promulgated thereunder; and
- d. Such further information as may be requested by the municipal building inspector and/or an agent designated by the city manager.

4. Applications for renewals of permits shall be made, in writing, by the holder of the license and shall contain the following:

- a. Any change in the information submitted since the time the original license was issued, or the latest renewal granted; and
- b. Other information requested by the municipal building inspector.

5. A complete site plan, for the purpose of obtaining a permit, 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, manufactured home or travel trailer spaces;
- c. The location and width of roadways, walkways, buffer strips and recreational areas;
- d. The location of service buildings and other proposed structures;
- e. The location and size of utility lines and treatment facilities; and
- f. Plans and specifications of all buildings and other improvements constructed, or to be constructed, within the park.

6. Whenever the municipal building inspector 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 permit was issued, that, unless such conditions or practices be corrected within a reasonable period of time (specified in the notice), the permit will be suspended. At the end of such period, not to exceed ninety (90) days, the municipal building inspector shall re-inspect such park, and, if such conditions or practices have not been corrected, he shall suspend the permit and give notice, in writing, of such suspension to the person to whom the Permit was issued and/or the person managing or in charge of the park. Upon receipt of notice of suspension, such person shall cease operation of such park except as may be provided hereinafter.

7. Any person whose permit has been denied or suspended, or who has received notice from the municipal building inspector 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 city council; provided, that, when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.

8. Mobile home and travel trailer parks in existence upon the effective date of this chapter, which have concrete pads indicating the location of mobile home, manufactured home or travel trailer spaces, need not comply with those sections of this chapter which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of this chapter.

9. The city clerk-treasurer shall charge and collect for each mobile home, manufactured home and/or travel trailer park an initial permit or temporary permit fee of two dollars (\$2.00) per space, or twenty-five dollars (\$25.00), whichever is higher. The initial permit or temporary permit shall expire no later than one year from the date of issue, unless renewed upon such conditions as the city council may, by ordinance, direct.

§ 10-202 INSPECTION OF PARKS.

1. The health official, the municipal building inspector and other legally designated agents are hereby authorized and directed to make inspections to determine the condition of mobile home, manufactured home and travel trailer parks within the city of Blanchard, Oklahoma, in order to perform their duty of safeguarding the health and safety of occupants of such parks and of the general public.

2. The health official, municipal building inspector and other legally-designated agents shall have the power to inspect the outside premises of private

or public property for the purposes of inspecting and investigating conditions relating to the enforcement of this chapter or of regulations promulgated thereunder.

3. The health official, municipal building inspector and other legally-designated agents shall have the power to inspect the register containing a record of all homes and occupants using the park.

4. It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such mobile home, manufactured home or travel trailer park, or their premises, at reasonable times for the purpose of making, ordering or inspecting such repairs or alterations as are necessary to effect compliance with this chapter, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this chapter.

§ 10-203 NOTICES, HEARINGS AND ORDERS.

1. Whenever violations of pertinent regulations are found to exist, the licensee, permittee or the person managing or in charge of such park, shall be notified 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, operator or person in charge, 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 city council, acting as a board of appeals; provided, that, such person shall file with the municipal building inspector a written request for such hearing, setting forth briefly the grounds for such request, within ten (10) days after the day notice was served. The filing of such request shall stay the notice of suspension of permits, except in cases of orders issued under subsection 5, below. The hearing shall be held at the next city council meeting for which the

agenda has not been completed, or at a later meeting if so requested by the petitioner, should the municipal building inspector determine that sufficient cause for such delay exists.

3. After such hearing, the municipal building inspector shall compile the findings of the city council 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 park shall be revoked.

4. Any person aggrieved by the decision of the city council may seek relief in district court.

5. Whenever the health official, municipal building inspector or other legally-designated agent 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 city council, 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.

§ 10-204 SUPERVISION.

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

§ 10-205 POSTING OF LICENSE.

The license shall be conspicuously posted in the office of, or on the premises of, the park at all times.

§ 10-206 LOCATION AND DESIGN CONSIDERATIONS FOR PARKS.

1. Parks shall be of three (3) types:
 - a. mobile and manufactured homes parks;
 - b. travel trailer parks; and

- c. mixed mobile/manufactured home and travel trailer parks.

No travel trailer shall be located in a mobile or manufactured home park. No mobile or manufactured home shall be located in a travel trailer park. In a mixed park, separate areas shall be reserved for each type of home and for travel trailers; no mobile or manufactured home shall be permitted in the travel trailer sector; no travel trailer shall be permitted in the mobile or manufactured home sectors.

2. All parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.

3. The minimum area of any park shall be five (5) acres. Parks in existence on the effective date of this 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) homes per gross acre for a mobile or manufactured home park, and no more than fifteen (15) travel trailers per gross acre, for a travel trailer park. (Area used for sewerage treatment facilities shall not be included in density computations). Mobile and manufactured home spaces shall be at least thirty (30) feet wide where pads are closest to driveways. Travel trailer spaces shall be at least twenty-five (25) feet wide where travel trailers are located closest to the driveway.

5. Every space shall be clearly defined. All homes and travel trailers shall be parked in such spaces, so that, at the nearest point, they shall be twenty-five (25) feet from the service road, ten (10) feet from the rear lot line and at least ten (10) feet from any boundary line of individual spaces.

6. It shall be unlawful to locate any home or travel trailer less than twenty-five (25) feet from any public street or highway right-of-way, or so that any part of such home or travel trailer will obstruct any roadway or walkway of such park.

7. It shall be unlawful to permit a mobile or manufactured home to occupy a travel trailer space, a travel trailer to occupy a mobile or manufactured home space and for any mobile or manufactured home or travel trailer to be located in a park unless in a space designed specifically for that type of home or trailer.

8. All mobile and manufactured home spaces shall abut upon a sealed-surface driveway of not less than twenty (20) feet in width, if on-street parking is prohibited, and twenty-six (26) feet in width, if on-street parking is

permitted on one (1) side of the street only. Driveways must have unobstructed access to a public street or highway.

9. In all parks existing on the effective date of this 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 city council. If, upon final appeal before said city council, it is determined that a safety hazard does, in fact, exist, the park concerned will be required to comply with the following provisions:

- a. In new mobile or manufactured home parks, at least two (2) clearly-defined parking spaces will be provided for each space either on or adjacent to the space.
- b. In new travel trailer parks, at least one (1) clearly-defined parking space shall be provided for each space either on, or adjacent to, the space.

10. Road improvement standards shall be consistent with the city's standards, as contained in the adopted sub-division regulations ordinance.

11. In developed areas of the city, new parks must abut, and have their major means of ingress and egress on, a thoroughfare of appropriate street classification, as defined in the city's adopted comprehensive plan, zoning ordinance and subdivision regulations ordinance.

12. All parks shall have and maintain a buffer planting strip, along all park boundaries not bordering a street.

§ 10-207 SEWAGE DISPOSAL FOR MOBILE AND MANUFACTURED HOME PARKS.

1. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, laundries and other buildings within the park, shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system, of such construction and in such manner as approved by the Oklahoma State Department of Health and in accordance with all applicable ordinances, codes and regulations of the city of Blanchard, Oklahoma.

2. Each home space shall be provided with at least a three (3) inch sewer connection at least four (4) inches above the surface of the ground. The sewer connection should be protected by a concrete collar at least four (4) inches thick and have a minimum outside diameter of twenty-four (24) inches. Connection between the home drain and the sewer must be watertight and self-

draining. Homes with fixtures from which back-siphonage may occur shall not be connected to the park's water system until the defect has been corrected.

3. In the event that a public sewer system is, or becomes available, within three-hundred (300) feet of a park, connection must be made to the public system within one-hundred and eighty (180) days.

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 the watershed of any municipal lake, or any other eaters of the state. The disposal facilities shall be located where they will not create a nuisance or health hazard to the park or to the owner or occupants of any adjacent property. The Oklahoma State Department of Health must approve the type of treatment proposed and the design of any disposal facilities and sewer systems, prior to construction.

5. Every mobile or manufactured home occupying a park space shall tie onto the park sewage system and shall dump any accumulated wastes into the system. Every travel trailer shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma State Department of Health. Any other dumping of accumulated waste within the city of Blanchard, Oklahoma, is prohibited.

6. The monthly sewage charge shall be as indicated in chapter 16 of this code of ordinances.

7. Sewer connections shall be watertight. Park licensees shall maintain trailer and home connections to sewer and water systems in good condition and shall assume responsibility for sewage or water leakage on park premises.

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

§ 10-208 WATER SUPPLY FOR PARKS.

1. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two-hundred and fifty (250) gallons per day, per space. Where a public supply of water of such quality is available, within three-hundred (300) feet, or becomes available within three-hundred (300) feet, connection shall be made thereto within one hundred and twenty (120) days of written notification by municipal representatives, and its supply shall be used exclusively. Where private water supplies must be developed, the health official and municipal building inspector must approve the location, construction and development of the water well, pipe system and connections. No private source other than a water well shall be used.

2. The water system of the park shall be connected by pipes to all buildings and all spaces. Each home shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times, in the service buildings.

3. All water piping shall be constructed and maintained in accordance with state and local law. The water piping system shall not be connected with non-potable or questionable water supplies, and shall be protected against the hazards of backflow or back-siphonage. All water connections shall be weather tight.

4. Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the health official and the municipal building inspector.

5. Individual water-service connections which are provided for direct use by homes or travel trailers shall be of such construction so that they will not be damaged by the parking of such homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all home or travel trailer connections.

6. Provisions shall be made within one-hundred and fifty (150) feet of each travel trailer space to supply water for travel trailer reservoirs.

7. No well-casing, pumps, 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 of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.

9. Underground stop and waste-cocks shall not be installed on any connection.

10. No private water well shall be permitted within the city of Blanchard, Oklahoma, for park use, except as may be otherwise permitted by ordinances of

the city of Blanchard, Oklahoma; provided, that, private wells may be used if the city does not provide a municipal water system.

11. No water connections shall be made to travel trailer spaces.

§ 10-209 REFUSE DISPOSAL FOR 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-breaking areas, accident or fire hazards, or air pollution.

2. All refuse shall be stored in fly-tight, watertight and rodent-proof containers, which shall be located within one-hundred and fifty (150) feet of any home or travel trailer space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.

3. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so 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 official or utilities superintendent. Where municipal garbage collection is not available, the park operator shall either employ a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

5. Where municipal or other private disposal service is not available, the park operator shall dispose of the refuse by transporting to an approved disposal site, as directed by the health official and utilities superintendent. Refuse shall be buried only at locations and by methods approved by the health official and utilities superintendent, and in accordance with the ordinances of the city of Blanchard, Oklahoma.

6. When municipal refuse disposal service is available, it must be used.

§ 10-210 INSECT AND RODENT CONTROL.

1. Insect and rodent control measures to safeguard public health, as required by the municipal building inspector and the health official, shall be applied in the park.

2. Effective larvicidal solutions may be required by the municipal building inspector and the health official for fly or mosquito-breeding areas which cannot be controlled by other, more permanent measures.

3. The municipal building inspector and the health official 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 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 municipal building inspector or the health official, to exterminate them.

§ 10-211 ELECTRICITY; EXTERIOR LIGHTING.

1. An electrical outlet supplying at least one-hundred and ten (110) volts shall be provided for each home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. Plug receptacles shall also be grounded and weatherproofed. No power supply line shall be permitted to lie on the ground, and no main power line shall be suspended less than eighteen (18) feet above the ground, unless otherwise approved by the municipal building inspector.

2. Streets and driveways within all parks shall be lighted with street lights meeting the current standards of the illuminating engineering society or one-half (½) candlepower, whichever is higher.

§ 10-212 FUELS; POWER SOURCES.

1. All piping from outside fuel storage tanks or cylinders to mobile or manufactured homes shall be of acceptable material, as determined by the municipal building inspector, and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the home or less than five (5) feet from any home exit. All such installations shall meet the requirements of applicable, adopted codes.

2. All power used for residential or non-residential purposes within the park shall be derived from electricity, natural gas or solar energy sources.

§ 10-213 FIRE PROTECTION.

1. Park areas shall be kept free of litter, rubbish and other flammable materials.

2. Where the water supply system does not provide at least six (6) inch water mains, there shall be provided a two (2) inch, frost-protected water riser within three-hundred (300) feet of each home or building.

3. Fires shall be made only in stoves and other cooking and/or heating equipment intended for such purposes.

§ 10-214 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 building permit issued by the city clerk-treasurer shall be required before any construction on a mobile or manufactured home space or any structural addition or alteration to the exterior of a home takes place. No construction, addition or alteration to the exterior of a home located in a park shall be permitted unless of the same type of construction or materials as the home affected. All construction, additions or alterations shall be in compliance with applicable local and state laws. No permit shall be required for the addition of steps, canopies, awnings or antennas; provided, that, the cost of construction shall not exceed one-thousand dollars (\$1,000.00), as provided in chapter 4 of this code of ordinances.

§ 10-215 REGISTRATION OF OWNERS AND OCCUPANTS.

1. Each park licensee shall keep a register containing a record of all home and travel trailer owners and occupants located within the park. The register shall contain the following information:

- a. The name and address of the owner or occupant of each home and any motor vehicle;
- b. The make, model, year and license of each mobile or manufactured home and motor vehicle;
- c. The state, territory or country issuing such license; and
- d. The date of arrival and of departure of each 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 of each occupant registered shall not be destroyed for a period of one year, following the date of departure of the registrant from the park.

§ 10-216 TIE-DOWNS.

1. Every home in a park or subdivision covered by the provisions of this chapter shall be anchored and tied down for safety purposes in a manner equivalent to the following:

- a. Homes up to thirty (30) feet in length shall require two (2) frame ties per side;
- b. Homes thirty (30) to fifth (50) feet in length shall require three (3) frame ties per side;
- c. Homes fifty (50) to seventy (70) feet in length shall require four (4) frame ties per side;
- d. Homes over seventy (70) feet in length shall require five (5) frame ties per side; and
- e. Over-the-home ties shall also be installed as close to each end as possible with straps at stud and rafter locations.

2. All ties attached to concrete pads or ribbons must be located in footings or foundation piers. If “dead man” ties are used, ties must be installed in soil to a depth of at least six (6) feet.

3. Additional tie-down requirements for homes in flood-prone areas shall also be met.

Ed. Note: see chapter 4, this code of ordinances.

ARTICLE 3

SUBDIVISIONS

§ 10-301 Subdivisions.

§ 10-301 SUBDIVISIONS.

1. Manufactured housing and mobile home subdivisions shall comply with the adopted subdivision regulations ordinance and zoning ordinance of the city of Blanchard, Oklahoma, except as otherwise provided herein.

2. The minimum size of such a subdivision shall be five (5) acres.

3. No residences except mobile and/or manufactured homes shall be permitted in such a subdivision.

4. All such subdivisions, except those developed under low density residential zoning district standards, shall have a greenbelt planting strip (as defined herein) along all subdivision boundaries.

ARTICLE 4

MODULAR HOUSING

§ 10-401 Treatment of modular housing.

§ 10-401 TREATMENT OF MODULAR HOUSING.

1. Manufactured or mobile housing shall be considered as permanent-site or modular housing only when it meets the following (federal) certification criteria:

- a. The manufacturer must certify that the structure is designed only for erection or installation on a site-built permanent foundation. A “site-built permanent foundation” is a system of supports, including piers, either partially or entirely below grade, which is:
 - 1) Capable of transferring all loads imposed upon the structure into soil or bedrock without failure;
 - 2) Placed at an adequate depth below grade to prevent frost damage; and
 - 3) Constructed of concrete, steel, treated lumber or grouted masonry.
- b. The manufacturer must certify that the structure is not designed to be moved once erected or installed on a site-built permanent foundation.
- c. The manufacturer must certify that the structure is designed and manufactured to comply with the city’s adopted building code, or equivalent.
- d. The manufacturer must certify that, to the manufacturer’s knowledge, this structure is not intended to be used other than on a site-built permanent foundation.

2. Such certification shall be proof of the housing unit's status as a "modular" unit; without such certification, any manufactured housing unit shall be considered a "mobile home", and treated as such for purposes of regulation.

ARTICLE 5

MISCELLANEOUS PROVISIONS

§§ 10-501 Reserved.

§§ 10-501 RESERVED.

ARTICLE 6

PENALTY

§ 10-601 Penalty.

§ 10-601 PENALTY.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in §8-301 of this code of ordinances. Each day upon which such violation continues shall be deemed a separate offense.

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CHAPTER 11

MUNICIPAL COURT

ARTICLE 1

APPLICATION OF CHAPTER; JURISDICTION OF COURT

- § 11-101 Application of chapter.
- § 11-102 Jurisdiction of court.

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- § 11-202 Compensation of judges.
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- § 11-217 Creation of violations bureau.
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- § 11-219 Exceptions to bail bond procedure.
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- § 11-223 Form of arrest warrant.
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- § 11-228 Sentencing.

- § 11-229 Imprisonment, work by prisoners; cost of incarceration to be collected.
- § 11-230 Costs.
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- § 11-232 Issuance of summons and warrant.
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- § 11-234 Malicious prosecution; costs.
- § 11-235 Failure to obey promise or notice to appear.
- § 11-236 Disposition and records.
- § 11-237 Community service in lieu of imprisonment; failure to perform.
- § 11-238 Community service in lieu of a fine; failure to perform.
- § 11-239 Assessments to municipal fines.

ARTICLE 1

APPLICATION OF CHAPTER; JURISDICTION OF COURT

- § 11-101 Application of chapter.
- § 11-102 Jurisdiction of court,

§ 11-101 APPLICATION OF CHAPTER.

1. This chapter shall govern the organization and operation of the municipal court of the city of Blanchard, Oklahoma, as put into operation and continued by “resolution”, duly passed and filed in accordance with state law, on and after the 20th day of January, 1969.

2. To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of the city of Blanchard, Oklahoma, the provisions of this chapter shall control. (Ord. No. 2009-07, 5/12/09)

§ 11-102 JURISDICTION OF COURT.

The municipal court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provision of this code of ordinances or any other ordinance of the city of Blanchard, Oklahoma, is charged, including any such prosecutions transferred to said court, in accordance with applicable laws.

ARTICLE 2

ORGANIZATION AND PROCEDURE

- § 11-201 Judge; alternate judge; acting judge.
- § 11-202 Compensation of judges.
- § 11-203 No change of venue; disqualification of judge.
- § 11-204 Chief of police.
- § 11-205 Municipal attorney.
- § 11-206 Clerk of court.
- § 11-207 Traffic violations bureau.
- § 11-208 Adoption of titles 21, 37 & 47 of the Oklahoma statutes by reference.
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- § 11-235 Failure to obey promise or notice to appear.
- § 11-236 Disposition and records.
- § 11-237 Community service in lieu of imprisonment; failure to perform.
- § 11-238 Community service in lieu of a fine; failure to perform.
- § 11-239 Assessments to municipal fines.

§ 11-201 JUDGE; ALTERNATE JUDGE; ACTING JUDGE.

Editor's Note: see chapter 1, §1-307, this code of ordinances.

§ 11-202 COMPENSATION OF JUDGES.

1. A judge, other than an alternate or an acting judge, shall be compensated in an amount to be determined by the city manager and approved by the city council, and to be paid in the same manner as the salaries of other municipal officials.

2. An alternate or an acting judge shall be paid (monthly) an amount not to exceed the amount currently established for the municipal judge and in an amount to be determined by the city manager and approved by the city council. (Ord. No. 1990-02, 2/13/90; Ord. No. 1995-10, 9/12/95; Ord. No. 2009-07, 5/12/09)

§ 11-203 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.

2. If the municipal judge is disqualified, the matter shall be heard by an alternate or acting judge, appointed as provided in this code of ordinances. (Ord. No. 2009-07, 5/12/09)

§ 11-204 CHIEF OF POLICE.

All writs or process of the municipal court shall be directed to the chief of police of the city of Blanchard, Oklahoma, who shall be the principal officer of the court. (Ord. No. 2009-07, 5/12/09)

§ 11-205 MUNICIPAL ATTORNEY.

The municipal attorney, or his duly designated assistant, shall be the prosecuting officer of the municipal court. He shall be authorized to prosecute all alleged violations of the ordinances of the city of Blanchard, Oklahoma, and to prosecute and resist appeals and proceedings in error and review from the court to any other courts of the state. The municipal attorney shall also be authorized to represent the city of Blanchard, Oklahoma, in all proceedings arising out of matters of the court. (Ord. No. 2009-07, 5/12/09)

Cross Reference: see §1-308, this code of ordinances.

§ 11-206 CLERK OF COURT.

1. The court clerk, or a designed deputy, shall be the clerk of the court. Duties of the court clerk shall include the following:

- a. He shall assist the municipal judge in recording the proceedings of the court and in preparing writs, process and other papers;
- b. He shall administer oaths required in proceedings before the court;
- c. He shall enter all pleadings, process and proceedings in the dockets of the court;
- d. He shall perform such other clerical duties relating to the proceedings of the court, as the municipal judge shall direct;

- e. He shall receive and receipt for forfeitures, fees, deposits and sums of money payable to the court; and
- f. He shall be responsible for placing, or having placed, all money so received by him (except such special deposits or fees as shall be received to be disbursed by him for special purposes), in the general fund of the municipality, or in such other fund and in such manner as the city council may direct, by motion or resolution.

2. The clerk of the court shall give bond to the city in the sum of one-thousand dollars (\$1,000.00). (Ord. No. 2009-07, 5/12/09)

§ 11-207 TRAFFIC VIOLATIONS BUREAU.

A. There is hereby created a schedule of fees and charges, which shall contain those fees and charges for various specific charges and fines assessed by the municipal court, and other fees and charges as designated by the city council. The schedule shall be kept on file in the office of the clerk of the court, to whom all fees and charges shall be paid unless otherwise provided. A copy may be obtained upon payment of a fee as designated by the City Council.

B. The schedule of fees and charges hereby created shall also be known and may be cited as the fee schedule.

C. The following shall be the bond schedule as of the adoption of this code:

1. RULES OF THE ROAD

<u>Charge</u>	<u>Fine</u>	<u>§ of Okla. Stat. or Blanchard Municipal Code ("BMC")</u>
a. <u>Speed</u>		
1 to 10 mph over Posted Limit	\$100.00 ¹	BMC § 18-401
11 to 15 mph over Posted Limit	\$150.00	BMC § 18-401
16 to 20 mph over Posted Limit	\$175.00	BMC § 18-401
21 or more over Posted Limit	\$200.00	BMC § 18-401
School Zone	\$200.00	BMC § 18-402
Failure to Reduce Speed Weather/Road	\$150.00	BMC § 18-403
Impede Traffic Movement/Travel		
Unreasonably Slow	\$150.00	BMC § 18-404

Excessive Speed	\$125.00	BMC § 18-405
Travel below Minimum Speed Limit	\$125.00	BMC § 18-405
Operating MV at Speed Not Proper	\$150.00	BMC § 18-526

¹The total cumulative amount of the fine, costs, and fees for a charge of speeding 1 to 10 mph over posted limit shall not exceed this amount. [Ord. No. 676, 6/26/18]

b. Recklessness or Carelessness

Eluding Police Officer	\$500.00	BMC § 18-213
Reckless Driving	\$350.00	BMC § 18-522
Careless Driving	\$225.00	BMC § 18-524
Failure to Devote Full-time	\$150.00	BMC § 18-525
Engaging in Unlawful Speed Contest	\$225.00	BMC § 18-527
Failure to Exercise Due Care	\$150.00	BMC § 18-1008

c. Following and Backing

Following Emergency Vehicles	\$150.00	BMC § 18-214
Following Too Closely	\$150.00	BMC § 18-508
Improper Backing or/into Intersection	\$150.00	BMC § 18-517

d. Lane Usage

Unauthorized Direction of Traffic	\$150.00	BMC § 18-203
Improper Lane Usage	\$150.00	BMC § 18-501
Making Unsafe Lane Change	\$150.00	BMC § 18-501
Driving Left of Center	\$150.00	BMC § 18-502
Improper Passing on Right Side	\$150.00	BMC § 18-503
Improper Passing on Left Side	\$150.00	BMC § 18-504
Passing When Unsafe to Pass	\$150.00	BMC § 18-505
Wrong Way on One Way	\$150.00	BMC § 18-507
Passing in No Passing Zone	\$150.00	BMC § 18-509
Passing in a School Zone	\$150.00	BMC § 18-513
Passing School Bus Loading Lights	\$250.00	BMC § 18-514
Enter/Exit Controlled Access Hwy	\$150.00	BMC § 18-521
Driving Through Safety Zone	\$150.00	BMC § 18-528
Private Service Drives	\$150.00	BMC § 18-534
Failure to Signal Intent to Turn	\$150.00	BMC § 18-907

e. Failure to Yield

Failure to Yield to Emergency Vehicle	\$225.00	BMC § 18-212
Failure to Yield to Vehicle (Uncontrolled Intersection)	\$150.00	BMC § 18-537
Failure to Yield When Turning Left	\$150.00	BMC § 18-538
Failure to Yield (ROW Street/Hwy)	\$150.00	BMC § 18-539
Failure to Yield (Traffic Thruway)	\$150.00	BMC § 18-540
Failure to Yield to Vehicle (Controlled Intersection)	\$150.00	BMC § 18-541
Failure to Yield (Posted Stop)	\$150.00	BMC § 18-545
Failure to Yield (Posted Yield)	\$150.00	BMC § 18-546
Failure to Yield (Private Drive)	\$150.00	BMC § 18-547
Failure to Yield (To Traffic/Park)	\$150.00	BMC § 18-548
Failure to Yield (Alley or Driveway)	\$150.00	BMC § 18-549
Failure to Yield to Pedestrian	\$175.00	BMC § 18-1002

f. Traffic Signs

Failure to Stop for Bus	\$250.00	BMC § 18-514
Failure to Stop at Stop Sign	\$150.00	BMC § 18-544
Failure to Stop at RR Crossing	\$150.00	BMC § 18-551
Driving Around Crossing Gate	\$150.00	BMC § 18-552
Failure to Make Required Stop	\$150.00	BMC § 18-550
Failure to Obey Traffic Device	\$150.00	BMC § 18-603
Failure to Stop for Red Light	\$150.00	BMC § 18-604
Failure to Stop for Flashing Red	\$150.00	BMC § 18-607
Violate Sign at Hazard/Congested Place	\$150.00	BMC § 18-710

g. Turns

Failure to Make Required Turn	\$125.00	BMC § 18-901
Making Restricted Turn	\$125.00	BMC § 18-902
Making Prohibited Turn (posted)	\$125.00	BMC § 18-903
Improper U-Turn	\$125.00	BMC § 18-904
Turning Vehicle Across Center Line	\$125.00	BMC § 18-905

h. Driver's License

Violation of License Restriction	\$100.00	BMC § 18-216
No Driver's License	\$250.00	BMC § 18-216
No Driver's License in Possession	\$50.00	BMC § 18-216
Driving Without Proper Endorsement	\$150.00	BMC § 18-216

Driving Under Suspension (DUS)	\$250.00	BMC § 18-217(A)
DUS (subsequent)	\$300.00	BMC § 18-217(A)
Lending License or ID	\$250.00	BMC § 18-217(B)
Unlawful Use of License or ID	\$250.00	BMC § 18-217(B)
Altering License or ID	\$250.00	BMC § 18-217(B)
Allowing Unauthorized Driver	\$100.00	BMC § 18-219

i. Insurance & Duties At Accidents

Leaving the Scene of Property Accident	\$250.00	BMC § 18-220
Failure to Provide Information	\$250.00	BMC § 18-220
Leaving Scene of Fixture Accident	\$250.00	BMC § 18-221
Failure to Report Accident	\$250.00	BMC § 18-222
Failure to Carry Security Verify	\$125.00	BMC § 18-229(E)
Failure to Maintain Insurance	\$250.00	BMC § 18-229

j. Equipment

Vehicles Injurious to Street	\$150.00	BMC § 18-301
Driving Vehicle That Is Unsafe	\$150.00	BMC § 18-302
Improper Equipment	\$75.00	BMC § 18-303
Improper Equipment After Warning	\$75.00	BMC § 18-303
Defective Exhaust	\$75.00	BMC § 18-304
Operating Unsafe MV	\$150.00	BMC § 18-306
Unlawful Riding upon Vehicle	\$150.00	BMC § 18-533
Failure to Use Seat Belt	\$20.00	BMC § 18-553
Failure to Use Child Restraint	\$50.00 ¹	BMC § 18-553(C)
Failure to Dim Headlights	\$150.00	47 OS § 12-203.2

¹ If 1st offense, fifteen dollar (\$15.00) fine if purchase approved child restraint system and show court clerk proof of purchase.

k. Parking

Unsafe Start from Stop	\$75.00	BMC § 18-529
Opening Door into Traffic	\$75.00	BMC § 18-530
Parking in Excess of Posted Time	\$75.00	BMC § 18-703
Parking Where Sign Prohibited	\$75.00	BMC § 18-703
Parking in Excess of 48 hours	\$75.00	BMC § 18-704
Failure to Set Brakes	\$75.00	BMC § 18-705
Failure to Obey Angle Parking	\$75.00	BMC § 18-707
Failure to Park Within a Parking Space	\$75.00	BMC § 18-708
Violate Terms of Load/Unload Permit	\$75.00	BMC § 18-709

Parking on Sidewalk	\$75.00	BMC§ 18-711(A)(1)
Parking in Front of Private Drive	\$75.00	BMC § 18-11(A)(2)
Parking Within Intersection	\$75.00	BMC § 18-11(A)(3)
Parking Within 15' of Hydrant	\$75.00	BMC § 18-11(A)(4)
Parking on a Crosswalk	\$75.00	BMC § 18-11(A)(5)
Parking Within 20' of Crosswalk	\$75.00	BMC § 18-11(A)(6)
Parking Within 30'		
Stop Sign/Beacon/Signal	\$75.00	BMC § 18-11(A)(7)
Parking Within Safety Zone and Curb	\$75.00	BMC § 18-11(A)(8)
Parking Within 50' of RR Xing	\$75.00	BMC § 18-11(A)(9)
Parking Within 20' of		
Driveway to Fire Station	\$75.00	BMC § 18-11(A)(10)
Parking on Bridge	\$75.00	BMC § 18-11(A)(13)
Blocking Intersection or Crosswalk	\$75.00	BMC § 18-712
Standing/Parking on Left		
(One-Way Street)	\$75.00	BMC § 18-713
Parking Adjacent to Schools	\$75.00	BMC § 18-715
Parking at Intersections	\$75.00	BMC § 18-716
Parking in Alley Leaving Less than 20'	\$75.00	BMC § 18-717
Parking on Traveled Portion of Street	\$75.00	BMC § 18-719
Double Parking	\$75.00	BMC § 18-720
One Ton Parking in Excess of 3 Hours	\$75.00	BMC § 18-721(A)
Parking Prohibited Vehicles	\$75.00	BMC § 18-721(B)
Parking Vehicle for Sale on Road	\$75.00	BMC § 18-722
Improper Parking on Left Side/Road	\$75.00	BMC § 18-723
Failure to Park Vehicle Right Side	\$75.00	BMC § 18-723
Negligent Parking	\$75.00	BMC § 18-724
Parking in Handicap Space	\$500.00	BMC § 18-726
Parking in Loading Zone (Residential)	\$75.00	BMC § 18-804
Parking in Loading Zone (Commercial)	\$75.00	BMC § 18-805
MV Stopping at Bus/Taxi Stop	\$75.00	BMC § 18-807
Bus Parking on Public Street	\$75.00	BMC § 18-808
Taxicab Parking on Public Street	\$75.00	BMC § 18-808

1. Loads

Operating a MV with Unsafe Load	\$150.00	BMC § 18-302
Operating a MV with Overweight Load	\$150.00	BMC § 18-305
Operating a MV That Is Too Long	\$150.00	BMC § 18-305
Operating an Overweight MV	\$150.00	BMC § 18-305
Operating a MV That Is Too High	\$150.00	BMC § 18-305
Operating a MV That Is Too Wide	\$150.00	BMC § 18-305
Driver's View Obstructed	\$150.00	BMC § 18-305

m. Motorcycles

Unlawfully Carrying Passengers	\$150.00	BMC § 18-518
Motorcycles Operate Under 16 Age	\$150.00	BMC § 18-518
Motorcycles Pass Between Lanes	\$150.00	BMC § 18-518
Motorcycles/Scooter on Sidewalk	\$150.00	BMC § 18-518
Operating Without Required Equip	\$150.00	BMC § 18-519(A)
Under 18 Without Helmet	\$150.00	BMC § 18-519(B)
Operating with Modified Exhaust	\$150.00	BMC § 18-519(C)

n. Bicycles

Bicyclist Fails to Obey Lights	\$50.00	BMC § 18-1103
Improper Riding on Bicycle	\$50.00	BMC § 18-1104
Improper Riding on Roadway	\$50.00	BMC § 18-1105
Unsafe Speed of Bicycle	\$50.00	BMC § 18-1106
Bicycle Yield at Right of Way	\$50.00	BMC § 18-1107
Bicyclist Carrying Articles	\$50.00	BMC § 18-1108
Bicycle Park on Street	\$50.00	BMC § 18-1109
Riding Bicycle on Sidewalk (Business District)	\$50.00	BMC § 18-1110
Bicyclist Without Proper Lamps	\$50.00	BMC § 18-1111

o. Pedestrians

Failure to Obey Pedestrian Sign Indicators	\$50.00	BMC § 18-606
Failure to Obey Pedestrian School Xing	\$175.00	BMC § 18-608
Pedestrian Not Crossing Properly	\$50.00	BMC § 18-1004
Pedestrian's Failure to Yield	\$100.00	BMC § 18-1005
Pedestrian Walking on Road Next to Sidewalk	\$100.00	BMC § 18-1006
Pedestrian Soliciting Rides	\$100.00	BMC § 18-1006
Pedestrian Unlawfully Cross Highway	\$100.00	BMC § 18-1009
Pedestrian Crossing Closed/Moving RR Gate	\$175.00	BMC § 18-1010

p. Miscellaneous Rules of the Road

Toy Vehicle/Roller Skates on Roadway	\$50.00	BMC § 18-207
Unlawful Cancel/Solicitation to Cancel Citation	\$150.00	BMC § 18-227
Clinging to Vehicles Prohibited	\$150.00	BMC § 18-520
Interfering with Driver's View/Control	\$150.00	BMC § 18-531
Failure to Comply with Fireman	\$250.00	BMC § 18-204
Unlawfully Crossing Fire Hose	\$150.00	BMC § 18-215
Driving thru Funeral Processions	\$150.00	BMC § 18-510
Text Messaging While Driving	\$100.00	BMC § 18-554
Unauthorized Traffic Control Device	\$150.00	BMC § 18-609
Defacement of Traffic Control Devices	\$150.00	BMC § 18-610

q. Offences Against the State

Failure to Pay Taxes Due State	\$150.00	47 OS § 1151
Failure to Display Valid Tag	\$150.00	BMC § 18-218

2. UNIFORM VIOLATIONS

a. Alcohol & Drug Violations

Selling Alcohol Outside Store	\$500.00	BMC § 2-108
Consuming Alcohol on Premise of Store	\$500.00	BMC § 2-109
Selling Alcohol to Intoxicated Person	\$500.00	BMC § 2-110(C)
Transportation of Open Container	\$500.00	BMC § 2-111
Transportation Low-Point Beer	\$500.00	BMC § 2-111
Selling Low-Point Beer to Intoxicated Person	\$500.00	BMC § 2-211
Open Dates/Hrs Which Sale Prohibited	\$500.00	BMC § 2-113
Prohibited Location of Low-Point Beer Establishment	\$500.00	BMC § 2-206
Selling Low-Point Beer Certain Hours	\$500.00	BMC § 2-213
Public Intoxication	\$100.00	BMC §§ 2-212, 13-801
Consuming Low-Point Beer/Alcohol in Public Place	\$100.00	BMC §§ 2-212, 13-801
Hosting Minors Consuming Alcohol	\$500.00	BMC § 2-217
Possession of Marijuana	\$500.00	BMC § 13-804
Possession of Drug Paraphernalia	\$500.00	BMC § 13-805
Consuming (Inhaling) Substances	\$500.00	BMC § 13-806

Driving Under Influence/Alcohol	\$500.00	BMC § 18-523
Driving Under Influence/Drugs	\$500.00	BMC § 18-523
Actual Physical Control/Alcohol or Drug	\$500.00	BMC § 18-523

b. Offenses Against Public

Assault & Battery on Police Officer	\$500.00	OS § 21-649
Aggravated Assault & Battery	\$500.00	OS § 21-646
Assault	\$250.00	BMC § 13-201
Battery	\$500.00	BMC § 13-202
Fighting	\$250.00	BMC § 13-203
Concealing Weapons on Public Property	\$150.00	BMC § 13-302
Trespassing (public)	\$250.00	BMC § 13-302
Trespassing (private)	\$250.00	BMC § 13-303
Tampering with Property	\$250.00	BMC § 13-304
Petit Larceny	\$500.00	BMC § 13-305
Obtaining Property by Fraud	\$500.00	BMC § 13-306
Obtaining Property by Bogus Check	\$500.00	BMC § 13-306(A)
Obtaining Utility Service Without Auth	\$500.00	BMC § 13-307
Disorderly Conduct	\$250.00	BMC § 13-501
Disturbing the Peace	\$250.00	BMC § 13-501
Failure to Disperse upon Command	\$250.00	BMC § 13-502
Fighting Words	\$100.00	BMC § 13-504
Disturbing by Loud Noise	\$150.00	BMC § 13-504
Reporting False Alarms	\$250.00	BMC § 13-505
Obstructing an Officer	\$500.00	BMC § 13-601
Resisting Arrest	\$500.00	BMC § 13-602
Aiding in an Escape	\$500.00	BMC § 13-603
Escape from Custody	\$500.00	BMC § 13-604
Impersonating a Police Officer	\$500.00	BMC § 13-605
Vehicular Trespassing	\$250.00	BMC § 18-718

c. Offenses Against Decency and Morality

Indecent Exposure	\$500.00	BMC § 13-401
Nudity in Public Place	\$500.00	BMC § 13-401
Prostitution	\$500.00	BMC § 13-402
Gambling Games	\$500.00	BMC § 13-404
Slot Machines	\$500.00	BMC § 13-405
Gambling Rooms	\$500.00	BMC § 13-406
Maintaining Disorderly House	\$500.00	BMC § 13-408

d. Minors

Contributing to Delinquency/Minor	\$500.00	21 OS § 856
Furnishing Alcohol to Minor	\$500.00	BMC § 2-110(A)
Minor in Possession of Alcohol	\$200.00	BMC § 2-110(B)
Minors Entering/Employed in Alcohol Establishment	\$500.00	BMC § 2-112
Minor Selling/Handling Alcohol	\$500.00	BMC § 2-112
Sales/Purchase Low-Point Beer Minors	\$500.00	BMC § 2-207
Employing Person Under 18		
Where Low-Point Beer Consumed	\$500.00	BMC § 2-208
Minor in Possession of Low-Point Beer	\$500.00	BMC § 2-209
Admitting Person Under 21	\$500.00	BMC § 2-210
Selling Low-Point Beer to Person Under 21	\$500.00	BMC § 2-210
Minor Consuming Low-Point Beer/Alcohol in Public Place	\$500.00	BMC § 2-216
Curfew - Minor	\$150.00	BMC § 13-901
Curfew - Parent	\$150.00	BMC § 13-901
Minor in Possession of Tobacco 1st	\$70.00	BMC § 13-1003
Minor in Possession of Tobacco 2nd	\$85.00	BMC § 13-1003
Minor in Possession of Tobacco 3rd	\$100.00	BMC § 13-1003
Truancy - Minor or Parent	\$250.00	BMC § 13-1101

e. Failure to Appear or Obey

Malicious Prosecution	\$200.00	BMC § 11-234
Failure to Appear or Obey Promise	\$500.00	BMC § 11-235
Failure to Perform Community Service	Jail	BMC § 11-238
Failure to Comply with Lawful Order	\$500.00	BMC § 11-235

f. Code Violations

Accumulation Weeds and Trash	\$250.00 (1 st offense)	BMC § 12-101
	\$100.00 (2 nd offense)	
	\$250.00 (3 rd offense)	
Unlawful to Deposit Rubbish	\$400.00	BMC § 12-108
Abandoned Refrigerator/Appliance	\$200.00	BMC § 12-114
Junked Motor Vehicle	\$200.00	BMC § 12-403
Storing/Parked/Leaving Junk MV	\$200.00	BMC § 12-403
Violation of Building Code	\$250.00	Chapter 4
Violation of Zoning Ordinance	\$250.00	Chapter 15 & 21
Tampering/Injuring Water System	\$200.00	BMC § 16-203

g. Animals

Permitting Animals to Run at Large	\$25.00 (1 st offense)	BMC § 3-102
	\$50.00 (2 nd offense)	
	\$150.00 (3 rd offense)	
Disturbance by Animals; Nuisance	\$50.00	BMC § 3-103
Keeping Animal as Otherwise Stated	\$150.00	BMC § 3-104
Animal Neglect/Abandonment	\$200.00	BMC § 3-105
Cruelty to Animals	\$200.00	BMC § 3-106
Turning Confined Animals at Large	\$150.00	BMC § 3-107
Pasturing in Public Area	\$50.00	BMC § 3-108
Failure to Have Animal Vaccinated	\$150.00	BMC § 3-109
Failure to Obtain Pet Permit	\$90.00	BMC § 3-401

h. Miscellaneous

Discharge Fireworks Within City	\$100.00	BMC § 7-301
Selling Fireworks Within City	\$100.00	BMC § 7-301
Storing Fireworks in City	\$100.00	BMC § 7-301
Attempting to Commit Offense	\$200.00	BMC § 13-101
Aiding and Abetting an Offense	Offense Specific	BMC § 13-102
Obstruction of Business Street	\$150.00	BMC § 13-503
Obstructing Street/Sidewalk	\$150.00	BMC § 13-503
Unlawful Barricade Removal	\$200.00	BMC § 13-506
Driving on Sidewalk	\$150.00	BMC § 18-516

i. Weapons

Carrying Dangerous Weapons	\$500.00	BMC § 13-701
Reckless Conduct with Firearm	\$500.00	BMC § 13-702
Discharging Firearm in City Limits	\$500.00	BMC § 13-703

D. Court costs of thirty dollars (\$30.00), in addition to other fees and costs authorized by federal, state, or local law, shall be collected on all cases, excepting certain parking, standing, and seatbelt violations (but not to include violations of child restraint systems).

E. All violations not specifically delineated within this section shall be bonded for within the limits established in § 8-301 of this code. All appropriate state assessments are required to be paid in addition to the aforementioned assessments, fines, and costs. (Ord. No. 1988-03, 6/6/88; Ord. No. 1989-31, 10/10/89; Ord. No. 1990-08, 8/14/90; Ord. No. 1995-11, 10/11/95; Ord. No. 2001-01, 2/13/01; Ord. No. 2009-07, 5/12/09; Ord. No. 590, 8/27/13; Ord. No. 624, 11/24/15)

§ 11-208 ADOPTION OF TITLES 21, 37 & 47 OF THE OKLAHOMA STATUTES BY REFERENCE.

Titles 21, 37 and 47 of the Oklahoma statutes are hereby adopted by title and reference and incorporated into the Blanchard Municipal Code, and are enforceable by the city within the city limits as if set at length herein. Authorized Blanchard officers and other persons may charge defendants with violation of such state laws in the municipal court, provided that no penalty shall be permitted in the municipal court greater than the penalty provided by state law. It is the intent of this section that as the statutes in such titles are heretofore amended, that such amendments are hereby adopted by reference and may be charged and used in municipal prosecutions. (Ord. No. 2009-07, 5/12/09)

§ 11-209 DISQUALIFICATION OF JUDGE.

In prosecutions before the court no change of venue shall be allowed; but the judge before whom the case is pending may certify disqualification or may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an alternate judge appointed as provided in this chapter. (Ord. No. 2009-07, 5/12/09)

§ 11-210 PROCEDURE-JUDICIAL NOTICE OF STATUTES AND ORDINANCES-WRITS AND PROCESS-SERVICE OF ARREST WARRANTS.

Except as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the city in which it is located. Writs and processes of the court may be issued by the judge or clerk hereof to any proper officer. All writs and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police of the city, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the city or county sheriff may serve an arrest warrant issued by the municipal court any place within this state. If the warrant is served by a county sheriff, the municipality shall pay the sheriff's service fee account a fee of twenty dollars (\$20.00). (Ord. No. 2009-07, 5/12/09)

§ 11-211 MUNICIPAL COURT CLERK.

The municipal court clerk, or deputy designated by such clerk, both of whom must be independent of the municipal police and judicial department, shall be the clerk of the municipal court. The clerk of the court shall:

1. Assist the judge in recording the proceedings of the court, preparation of writs, processes, or other papers;
2. Administer oaths required in judicial or other proceedings before the court;
3. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;
4. Perform such other clerical duties in relation to the proceedings of the court as the judge shall direct; and
5. Receive and give receipt for and disburse or deliver to the municipal treasurer all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money while in the custody of the clerk shall be deposited and disbursed upon vouchers as directed by the municipal governing body. (Ord. No. 2009-07, 5/12/09)

§ 11-212 MUNICIPAL ATTORNEY AS PROSECUTOR.

The municipal attorney of the city may be the prosecutor of the municipal court. The prosecutor shall have full power to prosecute for the violations of any ordinance of the municipality in the municipal court and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court. (Ord. No. 2009-07, 5/12/09)

§ 11-213 BOND OF CLERK.

The court clerk of the court shall give bond, in the form provided by § 27-111 of Title 11 of the Oklahoma statutes. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives. (Ord. No. 2009-07, 5/12/09)

§ 11-214 RULES OF COURT.

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this municipality for the proper conduct of the business of the court. (Ord. No. 2009-07, 5/12/09)

§ 11-215 ENFORCEMENT OF RULES.

Obedience to the orders, rules and judgments made by the judge or by the

court may be enforced by the judge, who may fine or imprison for contempt committed while holding court, or committed against process issued by any authorized person, in the same manner and to the same extent as the district courts of this state. (Ord. No. 2009-07, 5/12/09)

§ 11-216 PROSECUTIONS BY VERIFIED COMPLAINT.

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

B. The information shall be properly verified if:

1. The issuing officer subscribes the officer's signature on the citation, ticket or complaint to the following statement:

"I, the undersigned issuing office, hereby certify and swear that I have read the foregoing information and know the facts and contents thereof and that the facts supporting the criminal charge stated therein are true."

Such a subscription by an issuing officer, in all respects, shall constitute a sworn statement, as if sworn to upon an oath administered by an official authorized by law to administer oaths; and

2. The citation or ticket states the specific facts supporting the criminal charge and the ordinance or statute alleged to be violated; or

3. A complainant verifies by oath, subscribed on the citation, ticket or complaint, that he has read the information, knows the facts and contents thereof and that the facts supporting the criminal charge stated therein are true. For purposes of such an oath and subscription, any law enforcement officer of the municipality issuing the citation, ticket or complaint shall be authorized to administer the oath to the complainant. (Ord. No. 2009-07, 5/12/09)

§ 11-217 CREATION OF VIOLATIONS BUREAU.

A. There shall be established a violations bureau for the city. The judge may establish rules, consistent with the laws of the state and with the ordinances

of this municipality, for the violations bureau.

B. The violations bureau shall accept fines which may be paid in lieu of a court appearance for such offenses as may be designated by the judge under the court's rules. The schedule of fines shall be as set out in §11-207. A copy shall be kept in the clerk's office.

C. Payment of any fine to the violations bureau shall be deemed a final determination of the cause against the defendant.

D. If a defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this chapter. (Ord. No. 2009-07, 5/12/09)

§ 11-218 TRAFFIC BAIL BOND PROCEDURES.

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

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

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

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

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

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

- d. Eluding or attempting to elude a law enforcement officer;
- e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
- f. An arrest based upon an outstanding warrant;
- g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;
- h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
- i. A violation relating to the transportation of hazardous materials.

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

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

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

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested

person or his attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time; provided however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in subsection D of this section. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers' license, shall be required by the city or as provided in state law, §§1115.1 through 1115.5 of Title 22 of the Oklahoma statutes.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. Payment of the fines and costs may be made by personal, cashier's traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in the amount presented as bail for the offense. However, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court or, in the absence of such ordinance, in the amount prescribed by the court.

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

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

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

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

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

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

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

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

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

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

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

political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request. (Ord. No. 2009-07, 5/12/09)

§ 11-219 EXCEPTIONS TO BAIL BOND PROCEDURE.

A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in §11-218, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the person's arrest and the case shall be processed pursuant to §27-118 of Title 11 of the Oklahoma statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in §11-218 of this code, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to the judge for arraignment and the judge shall proceed as otherwise provided for by law. If no judge is available, the defendant shall be placed in the custody of the municipal jailer, to be held until a judge is available or bail is posted.

C. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this section, but shall be incarcerated separately from any adult offender. Provided, however, the arresting officer shall not be required to:

1. Place a juvenile into custody as provided for in this section; or
2. Place any other traffic offender into custody:
 - a. Who is injured, disabled, or otherwise incapacitated;
 - b. If custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo, or items requiring special maintenance or care; or
 - c. If extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may designate the date and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest. (Ord. No. 2009-07, 5/12/09)

§ 11-220 DISHONORED CHECKS OR INSTRUMENTS, WARRANTS.

A personal check or other instrument tendered to the court clerk for bail or for the payment of fine and costs, if dishonored and returned to the clerk for any reason other than the lack of proper endorsement, shall constitute nonpayment of bail or fine, as the case may be, and the court, in addition to any civil or criminal remedy otherwise provided for by law, may issue a bench warrant for the arrest of the person named on the citation to require his appearance on the charge specified. (Ord. No. 2009-07, 5/12/09)

§ 11-221 ARREST, CITATION AND BAIL FOR ORDINANCE VIOLATIONS.

A. If a resident of a municipality served by a municipal court is arrested by a law enforcement officer, for the violation of any traffic ordinance for which §11-218 does not apply, or is arrested for the violation of a non-traffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. Provided, however, the arresting officer need not release the person if it reasonably appears to the officer:

1. That the person may cause injury to himself or others or damage to property if released;
2. That the person will not appear in response to the citation; or
3. The person is arrested for an offense against a person or property.

If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled. If the arrested resident is not released by being permitted to sign a citation as herein provided, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

B. If a nonresident of a municipality served by a municipal court is arrested by a law enforcement officer for a violation of any ordinance for which this section does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment. (Ord. No. 2009-07, 5/12/09)

§ 11-222 SUMMONS FOR ARREST.

A. Upon the filing of a complaint charging violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, he shall issue a summons, naming the person

charged, specifying his address or place or residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a certain day as specified after the summons is served upon him, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter. (Ord. No. 2009-07, 5/12/09)

§ 11-223 FORM OF ARREST WARRANT.

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

The city of Blanchard to the police chief of Blanchard, Oklahoma

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

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

Judge of the Municipal Court
Blanchard, Oklahoma

B. It is the duty of the police chief, personally, or through a duly constituted member of the police force of this municipality, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible. (Ord. No. 2009-07, 5/12/09)

§ 11-224 PROCEDURES FOR BAIL OR BOND.

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall

prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than ten dollars (\$10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.

B. A bail bond schedule may be adopted by the judge and be amended from time to time. (Ord. No. 2009-07, 5/12/09)

§ 11-225 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the municipality, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date. (Ord. No. 2009-07, 5/12/09)

§ 11-226 TRIALS AND JUDGMENTS.

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

B. The defendant must be present in person at the trial or be represented by counsel if permitted by the judge.

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

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

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

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

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each fifty dollars (\$50.00) of fine or as set out in subsection H hereof for defendants who are without means to make such payment.

H. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the status of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor. (Ord. No. 2009-07, 5/12/09)

§ 11-227 WITNESS FEES.

Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per day of attendance. However, no witness shall receive fees in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

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

The fees of such witnesses shall be paid by the municipality. (Ord. No. 2009-07, 5/12/09)

§ 11-228 SENTENCING.

A. The judge may suspend, modify, defer or reduce a sentence in accordance with §§ 27-123 and 27-124 of Title 11 of the Oklahoma statutes. For all offenses which impose a fine of more than two-hundred dollars (\$200.00),

excluding court costs, a jury trial shall be had unless waived by the defendant and the city; effective on and after November 1, 2006, the maximum fine requiring a jury trial if demanded shall be a fine greater than five-hundred dollars (\$500.00), excluding court costs.

B. A judge who is licensed to practice law in this state in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any party thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in §27-123 of Title 11 of the Oklahoma statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the municipal attorney to amend the charge to a lesser offense. If a deferred sentence is imposed, an administrative fee of not to exceed one-hundred dollars (\$100.00) may be imposed as costs in the case. If the municipal judge is not a licensed attorney but has complied with the education requirements of subsection 11 O.S. §27-104F and the education requirements of 47 O.S. §18-101, the maximum fine that the judge may impose shall be five-hundred dollars (\$500.00). No city ordinance may impose a penalty, including fine or deferral fee in lieu of a fine and costs, which is greater than that established by statute for the same offense. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed two-hundred dollars (\$200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed eight-hundred dollars (\$800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed seven-hundred fifty dollars (\$750.00). The court shall remit fifty dollars (\$50.00) of each alcohol fine or deferral fee to a restricted cash account of the city that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. (Ord. No. 2009-07, 5/12/09)

§ 11-229 IMPRISONMENT, WORK BY PRISONERS; COST OF INCARCERATION TO BE COLLECTED.

A. All sentences of imprisonment shall be executed by the chief of

police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence.

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

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

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

E. Assessment of Costs of Incarceration.

1. For purpose of this section, "costs of incarceration" shall mean the costs of booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services.

2. Upon conviction or receiving a continued sentence, a person who was actually received into custody at a jail facility utilized by the city for the purposes of housing prisoners for alleged or adjudicated violations of municipal ordinances shall pay for the costs of incarceration. The court shall order the defendant to reimburse the costs of incarceration, including booking, receiving and processing out, housing, food, clothing, medical care, dental care and psychiatric services.

3. The costs for booking, receiving and processing out shall be determined by the chief of police.

4. The costs for housing shall be thirty dollars (\$30.00) per twenty-four (24) hour day or part thereof, measured from 12:01 a.m. to 12:00 midnight.

5. The cost of incarceration shall be collected by the clerk of the municipal court and deposited with the city treasurer as provide for the collection

of other costs and fines, which shall be subject to review under the procedures in §VIII, chapter 18, appendix of title 22 of the Oklahoma statutes.

6. The city shall give the defendant notice, either in person or by regular mail of the incarceration costs owed before the costs are collected. The defendant shall have ten (10) days from the date notice is given to object to the amount of the costs solely on the ground that the number of days served is incorrect. If the defendant chooses to make an objection, the defendant shall be directed to the office of the municipal counselor and the municipal counselor or his designee assistant municipal counselor shall evaluate the objection to determine the appropriate number of days of incarceration. The clerk of the municipal court shall assess the costs for the appropriate number of days as determined by the municipal counselor's office. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. Costs of incarceration shall be a debt of the defendant owed to the city and may be collected as provided by law for collection of any other civil debt or criminal action.

F. Effective November 1, 2004, any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas and public grounds of the city, subject to direction by the city manager or other proper officer, at a rate per day of fifty dollars (\$50.00) per day for useful labor, until the fine or costs are satisfied. (Prior Code §11-28; Ord. No. 2008-08, 11/25/08; Ord. No. 2009-07, 5/12/09)

§ 11-230 COSTS.

Costs in the amount of thirty dollars (\$30.00) plus the fees and mileage of jurors and witnesses shall be charged and collected by the clerk of the municipal court in all cases other than those in which the defendant is acquitted or found not guilty, those which are dismissed without costs upon motion of the defendant or the city attorney, or those for which costs are otherwise limited by law. Court costs in the amount of thirty dollars (\$30.00) shall be charged and collected by the clerk of the municipal court in all cases in which the exemptions above do not apply. (Prior Code §11-24; Ord. No. 1999-13, 11/9/99; Ord. No. 2009-07, 5/12/09; Ord. No. 618, 8/25/15)

State Law Reference: Costs, 11 O.S. §27-126; suspension of judgment or costs, 11 O.S. §27-123.

§ 11-231 PENALTY ASSESSMENTS.

A. For purposes of this section, the word “convicted” shall mean any final adjudication of guilty, whether pursuant to a plea of guilty or nolo contendere or otherwise, and deferred or suspended sentence or judgment.

B. Any person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of ten dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay:

1. Fees in the total amounts as assessed by Oklahoma State Statutes and amounts which may be retained, as authorized, shall be deposited into the city’s general fund, and with the balance paid into certain CLEET funds as provided by 20 O.S. 1991 §1313.2

2. Fees in the amounts as assessed by Oklahoma State Statutes and amounts which may be retained, as authorized, shall be deposited into the city’s general fund, and with the balance paid to the A.F.I.S. fund created by 74 O.S. §150.25.

3. Fees in the amount as assessed by Oklahoma State Statutes and amounts which may be retained, as authorized, shall be deposited into the city’s general fund, and with the balance paid to as a Forensic Science Improvement Assessment.

C. These penalty assessments shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. Such penalty assessments shall be deposited as required by state law. (Ord. No. 1995-11, 9/12/95; Ord. No. 2009-07, 5/12/09; Ord. No. 663, 10/24/17)

State Law Reference: Similar provision, 20 O.S. §1313.1 through 1313.3.

§ 11-232 ISSUANCE OF SUMMONS AND WARRANT.

A. Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on

a day certain, containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.

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

C. Upon proper application, the judge is hereby authorized to issue a search warrant if he is satisfied of the existence of grounds of the application or if there is probable cause to believe their existence. Such warrant shall be signed by the judge with his name of office to the police chief, commanding him forthwith to search the person or place named, for the property specified, and to bring it before the magistrate, and also to arrest the person in whose possession the same may be found, to be dealt with according to law. (Ord. No. 2009-07, 5/12/09)

State Law Reference: Complaints, 11 O.S. §27-115.

§ 11-233 SECURITY FOR COSTS BEFORE COMMENCEMENT OF PROSECUTION.

When application is made by any person to commence any prosecution in the municipal court, the municipal judge may, at his discretion, before any such proceeding is commenced, require the person making such application to give good and sufficient security for costs in the event the prosecution should fail. (Ord. No. 2009-07, 5/12/09)

§ 11-234 MALICIOUS PROSECUTION; COSTS.

If upon the trial of any case in the municipal court, it shall appear to the satisfaction of the court that the prosecution was commenced without probable cause, and from malicious motive, the court shall state the name of the complainant in the finding, and shall impose the costs of prosecution upon him; and the judgment shall be rendered against such complainant that he pay such costs and stand committed until the costs are paid. (Ord. No. 2009-07, 5/12/09)

§ 11-235 FAILURE TO OBEY PROMISE OR NOTICE TO APPEAR.

A. It shall be unlawful for any person to violate his written promise to appear in the municipal court given to an officer upon the issuance of any promise or notice to appear regardless of the disposition of the charge for which such promise or notice to appear was originally issued.

B. It shall be unlawful for any person to fail to appear in the municipal court pursuant to any notice to appear.

C. A written promise or notice to appear in the municipal court may be complied with by an appearance by counsel. (Ord. No. 2009-07, 5/12/09)

§ 11-236 DISPOSITION AND RECORDS.

A. The chief of police, or other responsible officer, shall cause the original copy of every ticket issued to an alleged violator of any ordinance to be deposited with the municipal court in the manner provided by rule.

B. Upon the deposit of such ticket with the municipal court said ticket may be disposed of only by trial in said court, or other official action by a judge of said court, including forfeiture of bail, or by payment of a fine, to the court clerk; provided however, the provisions of this subsection shall not apply to cases which city attorney declines to prosecute or are withdrawn by a citizen complainant.

C. It shall be unlawful and official misconduct for any person to dispose of, alter or deface a ticket or any copies thereof, or the record of the issuance or disposition of any ticket or warrant in a manner other than authorized.

D. The chief of police shall maintain or cause to be maintained a record of all warrants issued by the municipal court and which are delivered to the police department for service, and of the final disposition of all warrants. (Ord. No. 2009-07, 5/12/09)

§ 11-237 COMMUNITY SERVICE IN LIEU OF IMPRISONMENT; FAILURE TO PERFORM.

All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the municipal jail, in the discretion of the court, for the time specified in the sentence, provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted. (Ord. No. 2009-07, 5/12/09)

§ 11-238 COMMUNITY SERVICE IN LIEU OF A FINE; FAILURE TO PERFORM.

Whenever any person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted. (Ord. No. 2009-07, 5/12/09)

§ 11-239 ASSESSMENTS TO MUNICIPAL FINES.

A. For every fine or bond forfeiture of ten dollars (\$10.00) or more collected by the municipal court, a \$20.00 fee shall be assessed, in addition to any other costs or fees assessed on every citation disposed of in the municipal court, except those that are voided, declined for prosecution or on which the defendant is acquitted.

B. The treasurer shall deposit the revenues generated by this fee into a nontransferable interest bearing account to be known as the technology fund.

C. The technology fund shall be a separate fund. Expenditures may be made from this account only for technological maintenance and improvements for the city.

D. It is hereby declared to be the express and sole purpose of the revenues provided by the additional assessment levied by this section to provide revenues in funding technological maintenance and improvements for the city to include, but not be limited to, computer software and equipment, radio equipment and all costs associated therewith, and all expenses incurred for such programs, and is not intended to supplant normal capital funds established within the municipal budget.

E. The provisions hereof shall be cumulative and in addition to any and all other provisions of the ordinances of the city. (Ord. No. 595, 11/12/13)

CHAPTER 12

HEALTH AND SANITATION

ARTICLE 1

WEEDS AND TRASH

- § 12-101 Accumulation of trash or weeds unlawful.
- § 12-102 Definitions.
- § 12-103 Reports of accumulations of grass, weeds or trash on property.
- § 12-104 Cleaning and mowing, notice, consent, hearing, right of entry.
- § 12-105 Determination and assessment of costs.
- § 12-106 Lien on the property, civil remedy.
- § 12-107 Exception.
- § 12-108 Unlawful to deposit rubbish.
- § 12-109 Burning refuse.
- § 12-110 Removal of dead animals.
- § 12-111 Unlawful to litter.
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RESERVED

- § 12-201 Reserved.

ARTICLE 3

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- § 12-301 Definition.
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- § 12-601 County health department designated to enforce health ordinances.
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ARTICLE 1

WEEDS AND TRASH

- § 12-101 Accumulation of trash or weeds unlawful.
- § 12-102 Definitions.
- § 12-103 Reports of accumulations of grass, weeds or trash on property.
- § 12-104 Cleaning and mowing, notice, consent, hearing, right of entry.
- § 12-105 Determination and assessment of costs.
- § 12-106 Lien on the property, civil remedy.
- § 12-107 Exception.
- § 12-108 Unlawful to deposit rubbish.
- § 12-109 Burning refuse.
- § 12-110 Removal of dead animals.
- § 12-111 Unlawful to litter.
- § 12-112 Unlawful to litter from automobiles.
- § 12-113 Litter not to accumulate on property.
- § 12-114 Abandoned refrigerator; appliances.

§ 12-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

No person, entity or corporation owning or otherwise in possession or control of real property located within the corporate limits of the city shall allow trash to accumulate, or weeds to grow or stand upon such real property.

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

§ 12-102 DEFINITIONS.

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

1. "*Cleaning*" means the removal of trash from property;
2. "*Owner*" means the owner of record as shown by the most current tax rolls of the county treasurer;
3. "*Trash*" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which in uncared for, discarded or abandoned; and
4. "*Weed*" includes but is not limited to poison ivy, poison oak or poison

sumac and all vegetation at any 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 of 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.

§ 12-103 REPORTS OF ACCUMULATIONS OF GRASS, WEEDS OR TRASH ON PROPERTY.

Any officer or employee of the city 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 city, shall report the condition to the city manager, 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; or
3. A fire hazard to property.

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

§ 12-104 CLEANING AND MOWING, NOTICE, CONSENT, HEARING, RIGHT OF ENTRY.

The city may cause property within the corporate limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedure:

1. 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 further state that unless the work is performed within ten (10) days of the date of the notice the work shall be done by the city and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the city. At the time of mailing of notice to the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing of same, notice may be given by posting a copy of the notice on the property or by publication, as provided in §1-102 of Title 11 of the Oklahoma statutes, one time not less than ten (10) days prior to any hearing or action by the city. If the city anticipates summary abatement of a nuisance in accordance with the provisions as herein provided, the notice, whether by certified mail or publication, shall state:

- a. That any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the city;
- b. That the costs of such abatement shall be assessed against the owner; and
- c. That a lien shall be imposed on the property to secure such payment, all without further prior notice to the property owner.

At the time of each summary abatement the city clerk 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 §12-105. Provided 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;

2. The owner of the property may give his written consent to the city authorizing the removal of the trash or the mowing of the weeds or grass. By giving the written consent, the owner waives his right to a hearing by the city;

3. The mayor and city council hereby designate the city manager or his designee to carry out the duties of the mayor and city council as provided by §§12-101 through 12-107 of this article or as otherwise provided. A hearing may be held by the city manager or his designee of the city 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, and 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 mayor and council from any order of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered; and

4. Upon a finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefitted by the removal of such conditions, the agents of the city are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the city. Immediately following the cleaning or mowing of the property, the city clerk shall file a notice of lien with the county clerk describing the property and the work performed by the city, and stating that the city claims a lien on the property for the cleaning or mowing costs. (Prior Code §12-23; Ord. No. 1990-10, 12/11/90)

§ 12-105 DETERMINATION AND ASSESSMENT OF COSTS.

The city manager or his designee shall determine the actual cost of such cleaning and mowing and any other expenses that may be necessary in conjunction therewith, including the cost of notice and mailing. The city clerk shall forward by mail to the property owner specified in paragraph 1 of §12-104 a statement of the actual cost and demanding payment. In cleaning and mowing are performed by the city, the cost to the property owner for the cleaning and mowing shall not exceed the actual cost of the labor, maintenance and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

§ 12-106 LIEN ON THE PROPERTY, CIVIL REMEDY.

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the statement, the city clerk 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 upon

the property and collected by the county treasurer as other taxes authorized by law. Until fully paid, the cost and interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection, the county treasurer shall collect a fee of five dollars (\$5.00) for each parcel of property. At any time prior to collection as provided in this §, the city may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, if any, the city clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

§ 12-107 EXCEPTION.

The provisions of this article shall not apply to any property zoned and used for agricultural purposes or to railroad property under the jurisdiction of the Oklahoma Corporation Commission. However, a municipal governing body may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this article but only if such weeds or trash pose a hazard to traffic and are located in, or within ten (10) yards of, the public right-of-way at intersections.

§ 12-108 UNLAWFUL TO DEPOSIT RUBBISH.

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this city.

§ 12-109 BURNING REFUSE.

A. It is unlawful to burn any trash or refuse or any type of material within the city.

B. It is unlawful for any person to burn trash, waste paper, rubbish or refuse except under a permit issued by or in receptacles and conditions approved by the state health department or U.S. Environmental Protection Agency.

§ 12-110 REMOVAL OF DEAD ANIMALS.

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

§ 12-111 UNLAWFUL TO LITTER.

A. Littering is defined as throwing any trash, refuse, waste paper, tin can, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the city or upon any real property owned or occupied by another.

B. It is unlawful for any person to litter.

§ 12-112 UNLAWFUL TO LITTER FROM AUTOMOBILES.

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

§ 12-113 LITTER NOT TO ACCUMULATE ON PROPERTY.

A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.

B. It is unlawful for any person, firm or corporation occupying real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

§ 12-114 ABANDONED REFRIGERATOR; APPLIANCES.

A. It is unlawful for any person to leave in a place accessible to children any abandoned or discarded ice box, refrigerator, or other container which has an airtight door with a lock or 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.

B. It is unlawful to utilize the premises of any property for the open storage of any stove or other appliance which has been abandoned, discarded or is in disrepair.

ARTICLE 2

RESERVED

§ 12-201 Reserved.

ARTICLE 3

NUISANCES

§ 12-301 Definition.

§ 12-302 Unlawful to maintain nuisance.

§ 12-303 Abatement.

§ 12-301 DEFINITION.

A nuisance shall mean the doing of an act unlawfully or omitting to perform a duty, which act or omission:

1. Annoys, injures or endangers the comfort, repose, health and safety of others; or

2. Offends decency; or

3. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any lake or navigable river, stream, canal or basin, or any square, street highway or public parking; or

4. In any way renders other persons insecure in life, or in the use of property; or

5. Involves the maintenance of any building or structure within the city limits which by reason of age, dilapidation or decay is unsafe for occupancy; or constitutes a haven or refuge for vermin and rodents; or presents a fire hazard and endangers the security of other property; or

6. Permits the accumulation of rank vegetation, weeds, grass or other noxious matter or putrid substances; or in maintaining any trash, piles of rubbish, manure or other refuse which is dangerous to health or which in any manner constitutes a fire hazard.

State Law Reference: Similar provisions, 50 O.S. §1.

§ 12-302 UNLAWFUL TO MAINTAIN NUISANCE.

No person shall create or maintain a nuisance or permit it to be created or maintained upon property owned by him or under his control.

§ 12-303 ABATEMENT.

A. In addition to prosecution for violation of §12-302, whenever a nuisance is found to exist, the city manager may cause notice thereof to be given to the person maintaining or creating the nuisance or to the person owning or having control of the property upon which said nuisance exists, to abate such nuisance within the period of time stated in the notice, which shall be not less than three (3) days from the receipt of said notice. The notice shall be served personally or by certified mail. In the event the address is unknown or the person cannot be located the notice shall be posted upon the property involved and published in the official paper of the city for a period of five (5) days. If notice is published the person in charge shall have ten (10) days from the last publication in order to abate such nuisance. In the event the nuisance is not abated after such notice as required, the city manager shall have the authority to abate it and charge the cost thereof to the person creating, maintaining or owning or in control of the property upon which the nuisance is created or maintained, and the person so charged shall be afforded an opportunity to appear and present witnesses and be heard. Should the governing body find that a nuisance has been created or maintained the person responsible shall be given a reasonable length of time to abate it.

B. Any person who fails to abate any nuisance as required by this article shall be guilty of an offense. (Ord. No. 1987-04, 12/1/87)

State Law Reference: Authority to define, prevent, remove and abate nuisances, 11 O.S. §22-121.

ARTICLE 4

JUNKED, WRECKED MOTOR VEHICLES

- § 12-401 Nuisances.
- § 12-402 Definitions.
- § 12-403 Storing, parking or leaving junk motor vehicle or abandoned motor vehicle on public or private property prohibited; and declared a nuisance; exceptions.
- § 12-404 Presumption of abandonment.

- § 12-405 Notice to remove from public property.
- § 12-406 Responsibility for removal from public property.
- § 12-407 Notice to remove from private property.
- § 12-408 Hearing.
- § 12-409 Removal of motor vehicles from property.
- § 12-410 A notice of removal.
- § 12-411 Redemption of impounded vehicles or motor vehicles.
- § 12-412 Penalty; continuing violations.

§ 12-401 NUISANCE.

Motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked, inoperative, or discarded, or left about the city in places other than authorized junk yard or other areas authorized by the city council and which tend to do any one or more of the followings:

1. Impeded traffic in the streets;
2. Reduce the value of private property;
3. Create fire hazards;
4. Extend and aggravate urban blight; or
5. Result in a serious hazard to the public health, safety, comfort, convenience and welfare of the residents of the city, are hereby declared to be a nuisance.

§ 12-402 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein.

1. “*Appropriate screen*” shall mean an aesthetic barrier with a minimum opaque barrier not less than five (5) feet in height enclosing the junk motor vehicle. Such screen or barrier shall be dense landscaping, or a solid lumbar or masonry fence, wall or combination thereof, and may include the use of the walls of the residence or other building or structure, similar existing fencing, similar existing dense landscaping, all of which shall be of at least an equivalent height and capacity, and located on such property to provide for such enclosure. If solid lumber fencing is used, it shall be treated or painted in earth tone colors.

2. "*Junk motor vehicle*" or "*junk vehicle*" or "*abandoned motor vehicle*" is any motor vehicle, which does not have lawfully affixed thereto both an unexpired license plate or plates, the condition of which is in disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and is incapable of being moved under its own power and is not exempt from compliance by §12-402(C). "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean any motor vehicle located on any private or public property in the condition of which such motor vehicle is in disrepair, wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and incapable of being moved under its own power, and is not exempt from compliance by §12-402(C)., and remains in such condition for a period of thirty (30) days, without regard to whether such motor vehicle has lawfully affixed thereto an unexpired license plate or plates. "Junk Motor Vehicle" or "junk vehicle" or "abandoned motor vehicle" shall also mean motor vehicles used in demolition races or derbies or similar contests.

3. "*Motor vehicle*" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers.

4. "*Private property*" means any real property within the city which is privately owned and which is not public property as defined in this section.

5. "*Public property*" means any street, alley, or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

§ 12-403 STORING, PARKING OR LEAVING JUNK MOTOR VEHICLE OR ABANDONED MOTOR VEHICLE ON PUBLIC OR PRIVATE PROPERTY PROHIBITED; AND DECLARED A NUISANCE; EXCEPTIONS.

A. No person shall park, store, leave, or permit the parking, storing, or leaving of any junk motor vehicle of any kind, whether attended or not, upon any public or private property within the city. The presence of a junk motor vehicle or parts thereof, on private or public property is hereby declared a nuisance and a public offense and may be abated as such in accordance with the provisions of this chapter.

B. This section shall not apply to any motor vehicle:

1. Enclosed within a building on private property;
2. Completely within an appropriate screen in the side or back yard on private property;
3. Held, stored or parked in connection with a lawfully operated business enterprise and on property operated in the appropriate zone, pursuant to the zoning laws of the city;
4. In operable condition and is not a junk motor vehicle as defined herein.
5. Motor vehicles parked on private property which display an unexpired license plate or plates, but which motor vehicles are temporarily out of service due to mechanical breakdown or damage, but only so long as the owner thereof makes diligent efforts to place same back into operable condition, and shall not remain on such private property in such condition for longer than thirty (30) days.

§ 12-404 PRESUMPTION OF ABANDONMENT.

A rebuttable presumption shall exist that a motor vehicle has been abandoned when:

1. Weed or grass undergrowth would indicate to a reasonable person that the motor vehicle has not been moved, thereby permitting such growth to occur;
2. One or more wheels are flat or missing and the motor vehicle displays an expired license;
3. Portions of the motor vehicle which are needed for its operation or control are missing;
4. The city has received reports from others as to the length of time such motor vehicle has been standing in one place without being moved, or that parts are being taken from or added to such vehicle, indicating a salvage or garage operation; or
5. Evidence exists that provisions of this code pertaining to zoning or to junk and salvage yards are being violated.

§ 12-405 NOTICE TO REMOVE FROM PUBLIC PROPERTY.

Whenever it comes to the attention of the code enforcement officer that any junk vehicle, as defined herein, exists as a public nuisance in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the event that there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. A written, public nuisance "notification to remove" shall be placed on the vehicle advising the owner of the violation of city code and of the twenty-four (24) hours to remove the nuisance from the public property. Concurrent with the abatement notice placed on the motor vehicle, the owner of the motor vehicle shall be issued a citation. Failure to remove the motor vehicle shall be an offense, and shall be punishable as provided by the general penalty in this code.

§ 12-406 RESPONSIBILITY FOR REMOVAL FROM PUBLIC PROPERTY.

Upon proper notice and opportunity to be heard, the owner of the junk vehicle or other abandoned, wrecked, dismantled, or inoperative motor vehicle on public property shall be liable for all expenses reasonably incurred by the removal and disposition.

§ 12-407 NOTICE TO REMOVE FROM PRIVATE PROPERTY.

A. The code enforcement officer shall give notice of removal to the owner or occupant of the private property where any junk vehicle or any abandoned, wrecked, dismantled or inoperative motor vehicle is located at least ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of a notice to remove is posted in a conspicuous place upon the private property upon which the vehicle or boat is located.

B. The notice of removal shall contain the demand for removal within ten (10) days, and the notice to remove shall state that upon failure to comply with the notice to remove, the city shall prosecute a criminal complaint for failure to abate the nuisance or undertake such removal with the cost to be levied against the owner of the junk vehicle or the occupant of the property.

§ 12-408 HEARING.

A. Any person to whom any notice to remove is directed pursuant to the provisions of this chapter or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the city manager or his designee within the ten (10) day compliance period, for the purpose of contesting the city's demand for removal.

B. The hearing shall be held as soon as practicable. Notice of the time and place of hearing shall be directed to the person making the request. The city manager or his designee may take any action based on the evidence presented.

C. Persons to whom the notice to remove is directed pursuant to the provisions of this chapter, or their duly authorized agent, shall appear in municipal court pursuant to the citation and summons. Those persons convicted of violating these provisions, including the failure to abate a public nuisance pursuant to this chapter shall be assessed court costs and assessments in addition to any fine assessed by the municipal court. If the public nuisance is abated prior to the hearing date stated on the summons, and the person issued the summons to appear in municipal court signs an affidavit before the court clerk attesting to the abatement, the city attorney may recommend to the municipal court that charges be dropped.

§ 12-409 REMOVAL OF MOTOR VEHICLES FROM PROPERTY.

If the violation described in the notice to remove has not been remedied within the ten-day period of compliance, or in the event that a notice requesting hearing is timely filed, a hearing had, and the existence of the violation is affirmed by city manager or his designee, the city attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the city shall in the discretion of the code enforcement officer to take possession of the junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the city or the code enforcement officer authorizes to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

§ 12-410 NOTICE OF REMOVAL.

Within forty-eight (48) hours of the removal of such junk vehicle, the code enforcement officer shall give notice to the registered owner of the junk vehicle, if known, that the vehicle or motor vehicle was removed, that the vehicle or motor vehicle, has been impounded and stored for violation of this chapter. The notice shall give the location where the vehicle is stored and the proper procedure for redeeming the vehicle, including cost of redemption.

§ 12-411 REDEMPTION OF IMPOUNDED VEHICLES OR MOTOR VEHICLES.

The owner of motor vehicle impounded under the provisions of this chapter may redeem such motor vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment of the actual and reasonable expense of removal plus storage.

§ 12-412 PENALTY; CONTINUING VIOLATIONS.

In addition to the procedures for removal of vehicles, any person who shall violate any of the provisions hereof shall upon conviction be deemed guilty of an offense against the city. Each act in violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such. Each day's continued violation of any of the provisions hereof shall constitute a separate offense and may be punishable as such as provided by the general penalty contained in this code.

ARTICLE 5

DILAPIDATED AND UNSECURED BUILDINGS; GRAFFITI

- § 12-501 Definitions.
- § 12-502 Condemnation of dilapidated buildings; notice removal.
- § 12-503 Determination of costs, lien; miscellaneous.
- § 12-504 Boarding and securing dilapidated buildings, procedure, notice.
- § 12-505 Other powers.
- § 12-506 Exception.
- § 12-507 Removal of graffiti.

§ 12-501 DEFINITIONS.

- A. As used in this article:
 - 1. "*Dilapidated building*" means:
 - a. a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public;
 - b. a structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public;
 - c. a structure which is determined by the municipal governing body or city manager or his designee of the municipal governing body to be an unsecured building, as defined by §12-504 of this Article, more than three times within any twelve-month period;

- d. a structure which has been boarded and secured, as defined by §12-504 of this article, for more than thirty-six (36) consecutive months; or
- e. a structure declared by the municipal governing body to constitute a public nuisance.

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

§ 12-502 CONDEMNATION OF DILAPIDATED BUILDINGS; NOTICE OF REMOVAL.

The city may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the provisions of this article:

1. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the hearing provided for herein may be held. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. 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 in §1-102 of Title 11 of the Oklahoma statutes. Such notice may be published once not less than ten (10) days prior to any hearing or action to be taken pursuant to the provisions of this section; or

2. The city manager or his designee is hereby designated by the mayor and city council to carry out the duties of the mayor and city council specified in this article. A hearing shall be held by the city manager or his designee of the city to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefitted by the removal of such conditions, the city manager or his designee may cause the dilapidated building to be torn down and removed. The city manager or his designee shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property,

the findings of the city manager or his designee at the hearing, and stating that the city claims a lien in the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. The agents of the city are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality if the work is not performed by the property owner within the dates fixed by the city manager or his designee. The property owner shall have the right of appeal to the mayor and council from any order of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered. Effective November 1, 2004, any action to challenge the order of the city manager or his designee or municipal governing body (provided a written notice of appeal was timely filed with the city clerk), shall be filed with an appropriate judicial forum within thirty (30) business days from the date of the order.

§ 12-503 DETERMINATION OF COSTS, LIEN; MISCELLANEOUS.

A. The city manager or his designee shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The city clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to the mortgage holder at the address provided in §12-502. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If the city dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

B. When payment is made to the city for costs incurred, the city clerk shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice

of dilapidation and lien is filed with the county clerk. In addition the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of five dollars (\$5.00) for each parcel of property. At any time prior to collection as provided for in this paragraph, the city may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the city clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

C. Nothing in the provisions of this article shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

D. The officers, employees or agents of the city shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this Article or as otherwise prescribed by law.

E. The provisions of this article shall not apply to any property zoned and used for agricultural purposes.

§ 12-504 BOARDING AND SECURING DILAPIDATED BUILDINGS, PROCEDURE, NOTICE.

A. After a building has been declared dilapidated, as provided in this article, and before the commencement of the tearing and removal of a dilapidated building, the city council may authorize such a building to be boarded and secured. However, if the dilapidated building is vacant and unfit for human occupancy, the city may authorize the structure to be demolished pursuant to this article.

B. The city may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with article 1.

C. The city manager or his designee is hereby designated by the mayor

and city council to carry out the following duties of the mayor and city council. The city manager or his designee may cause an unsecured building to be boarded and secured in accordance with the following procedures:

1. Before the city orders such action, at least ten (10) day notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in §12-502. At the time of mailing of notice to any property owner or mortgage holder, the city clerk shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in 11 O.S. §1-102. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the city or city manager or his designee pursuant to the provisions of this section. If a municipal governing body anticipates summary abatement of a nuisance in accordance with subsection C.9. of this section, the notice shall state: that any subsequent need for boarding and securing the building within a six-month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the municipal governing body; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder.

2. The owner of the property may give his written consent to the city authorizing the boarding and securing of such unsecured building and to the payment of costs incurred thereby. By giving the written consent, the owner waives any right the owner has to a hearing by the city council;

3. If the property owner does not give his written consent to such actions, a hearing may be held by the city council to determine whether the boarding and securing of the unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of article 1. In making such determination, the city council shall apply the following standard: the city council may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children. Upon making the required determination, the municipal governing body may order the boarding and securing of the unsecured building.

4. After the city council orders the boarding and securing of the unsecured building, the city clerk shall immediately file a notice of lien with the county clerk describing the property, stating the findings of the city at the hearing at which such building was determined to be unsecured, and stating that the city claims a lien on the property for the costs of boarding and securing the building and that such costs are the personal obligation of the property owner from and after the date of filing the notice;

5. Pursuant to the order of the city council, the agents of the city are granted the right of entry on the property for the performance of the boarding and securing of the building and for the performance of all necessary duties as a governmental function of the city;

6. After an unsecured building has been boarded and secured, the city council shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith including the cost of the notice and the mailing. The city clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs to any property owners and mortgage holders as provided in §12-503. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city clerk 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. If the city boards and secures any dilapidated building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

7. When payment is made to the city for costs incurred, the city clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the dilapidated building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. The costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. At any time prior to collection

as provided for in this paragraph, the municipality may pursue any civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

8. The property owner or mortgage holder shall have a right of appeal to the mayor and city council from any order of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

9. If the city causes a structure within the city limits to be boarded and secured, any subsequent need for boarding and securing within a six (6) month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the city clerk shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the city clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in subsection 1 of this section. Unless otherwise determined at the hearing the cost of such boarding and securing shall be determined and collected as provided for in subsection 7.

10. The mayor and city council may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this section even though such building has not been declared, by the governing body, to be dilapidated.

11. For the purposes of this subsection:

- a. "*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,
- b. "*unsecured building*" shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure, and

- c. *"unfit for human occupancy"* means a structure that due to lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.

§ 12-505 OTHER POWERS.

Nothing in the provisions of this article shall prevent the city from abating an unsecured dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

§ 12-506 EXCEPTION.

The provisions of this article shall not apply to any property zoned and used for agricultural purposes.

§ 12-507 REMOVAL OF GRAFFITI.

A. The city may cause graffiti to be removed from property within the city limits in accordance with the following procedures:

1. The property owner and the tenant, if any, may give their written consent to the city authorizing removal of the graffiti. By giving such written consent, the owner and the tenant each waives the right to notice and a hearing by the city as otherwise required by this section;

2. If the consent of the property owner and the tenant, if any, to remove graffiti from the property cannot be obtained, the city may remove the graffiti without such consent pursuant to the procedures set forth in this section;

3. To remove graffiti from property without the consent of the property owner and the tenant, if any, at least ten (10) days' notice shall be given by mail directed to the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant, if any, shall be given by mail directed to the property address. The notice shall order the property owner and the tenant, if any, to remove graffiti from the property and shall further state that unless such work is performed within twenty (20) days of the date of the notice the work shall be done by the city. At the time of mailing of notice to the property owner and the tenant, if any, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer(s). In addition, notice shall be given by posting a copy of the notice on the property at least one time not less than ten (10) days prior to any hearing or action by the city. If the mayor and city council anticipates summary abatement of graffiti in accordance with the provisions of this section,

the notice shall state that any accumulations of graffiti on the property occurring within one year from and after the date of the notice may be summarily abated by the city without a hearing and further prior notice to the property owner or the tenant, if any, except by posting of notice at least one time on the property once not less than two (2) business days prior to such summary abatement.

4. A hearing may be held by the mayor and city council to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety, or general welfare of the public and the community;

5. Upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefitted by removal of such conditions, the agents of the city are granted the right of entry onto the property for the removal of the graffiti thereon and for performance of the necessary duties as a governmental function of the city.

6. The city hereby designates the city manager or his designee to perform the functions set forth in this section. The property owner and the tenant, if any, shall have a right of appeal to the mayor and city council from the decision of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) business days after the administrative order is rendered.

B. If a notice is given by the city to a property owner and tenant, if any, ordering graffiti to be removed from property within the municipal limits in accordance with the procedures provided for in subsection A of this section, any subsequent accumulations of graffiti on the property occurring within a one year period may be summarily abated without further prior notice to the property owner or the tenant, if any. However, prior to the summary abatement by the city, notice thereof shall be posted at least one time on the property not less than two (2) business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk show that the ownership and/or tenancy of the property was transferred after notice was given pursuant to subsection A of this section.

C. Removal of graffiti by a city pursuant to the provisions of this section shall be performed at the sole expense of the city. In removing the graffiti, the city shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.

D. Nothing in the provisions of this section shall prevent the city from abating graffiti as a nuisance or otherwise exercising its police power to protect the health, safety, or general welfare of the public.

E. The city and its officers, employees or agents shall not be liable for any damages or loss of property due to the removal of graffiti performed pursuant to the provisions of this section.

F. For the purposes of this section:

1. "*Advertising*" means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public;

2. "*Graffiti*" means, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or by an authorized agent for such owner or tenant;

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

4. "*Removal*," "*remove*," or "*removed*," when used in relation to the eradication of graffiti means the act of taking graffiti off of, or masking the presence of graffiti on, a rock, tree, wall, bridge, fence, gate, building or other structure; and

5. "*Tenant*" means any person shown by the records of the county clerk's office as a lessee of property, or any person lawfully in actual physical possession of property.

ARTICLE 6

ENFORCEMENT

- § 12-601 County health department designated to enforce health ordinances.
- § 12-602 Obstructing health officer.
- § 12-603 Quarantine; violations.

§ 12-604 Appointment of code enforcement officer.

§ 12-601 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.

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

§ 12-602 OBSTRUCTING HEALTH OFFICER.

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

§ 12-603 QUARANTINE; VIOLATIONS.

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

§ 12-604 APPOINTMENT OF CODE ENFORCEMENT OFFICER.

The city manager shall appoint the code enforcement officer. The code enforcement officer is authorized to enforce the provisions of the Blanchard Municipal Code 2008, as it now or may hereinafter be constituted, including building regulations and codes, health and sanitation, "planning, zoning and development", other miscellaneous national and international codes adopted by reference within the previous cited chapters, and other sections of the code as directed by the city manager (hereinafter referenced to as "code enforcement violations"). The code enforcement officer shall have the authority to issue code enforcement violations to any person, firm, corporation or any entity who violates such provisions of this code.

CHAPTER 13

MISCELLANEOUS PROVISIONS & OFFENSES

ARTICLE 1

IN GENERAL

- § 13-101 Attempt to commit an offense.
- § 13-102 Aiding and abetting.

ARTICLE 2

OFFENSES INVOLVING INJURY TO PERSONS

- § 13-201 Assault.
- § 13-202 Battery.
- § 13-203 Fights or quarrels.

ARTICLE 3

OFFENSES INVOLVING PROPERTY

- § 13-301 Definitions.
- § 13-302 Trespass on public property.
- § 13-303 Trespass on private property.
- § 13-304 Tampering with private or public property.
- § 13-305 Larceny.
- § 13-306 Fraudulent schemes, bad checks, etc.
- § 13-307 Obtaining service from public utility without authorization.

ARTICLE 4

OFFENSES AGAINST DECENCY AND MORALITY

DIVISION 1

GENERALLY

- § 13-401 Nudity indecent exposure or lewd acts in public.
- § 13-402 Prostitution.
- § 13-403 Gambling, definition.
- § 13-404 Gambling games prohibited.
- § 13-405 Slot machines.
- § 13-406 Gambling rooms and paraphernalia.
- § 13-407 Disorderly places, definitions.

- § 13-408 Maintaining a disorderly house.
- § 13-409 Leasing property for disorderly house.
- § 13-410 Residents and visitors to disorderly houses.

ARTICLE 5

OFFENSES AGAINST PUBLIC PEACE AND ORDER

- § 13-501 Riotous conduct; disturbing peace.
- § 13-502 Unlawful assembly.
- § 13-503 Obstructing streets, sidewalks, etc.
- § 13-504 Fighting words or gestures.
- § 13-505 False alarms.
- § 13-506 Removal of barricades.
- § 13-507 Eluding police officers.
- § 13-508 Loud noise or music prohibited; amplified sound.

ARTICLE 6

OFFENSES AGAINST GOVERNMENT

- § 13-601 Obstructing or interfering with official process.
- § 13-602 Resisting arrest.
- § 13-603 Aiding in escape.
- § 13-604 Escapes from custody.
- § 13-605 Impersonating an officer or employee.

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WEAPONS AND RELATED OFFENSES

- § 13-701 Carrying dangerous weapons.
- § 13-702 Reckless conduct.
- § 13-703 Discharging firearms; exceptions.

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- § 13-802 Possession, intoxicating and nonintoxicating beverages.
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CURFEW

§ 13-901 Curfew for minors.

ARTICLE 10

PREVENTION OF YOUTH ACCESS TO TOBACCO

- § 13-1001 Definitions.
- § 13-1002 Furnishing or sale of tobacco products and vapor products to minor.
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- § 13-1101 Truancy.
- § 13-1102 Exceptions.
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- § 13-1301 Original jurisdiction of municipal court in certain juvenile cases.
- § 13-1302 Allowing or encouraging a minor to commit offenses.

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- § 13-1304 Parental responsibility; failure to control.
- § 13-1305 Commission of a crime in the presence of minors.
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ARTICLE 1

IN GENERAL

§ 13-101 Attempt to commit an offense.

§ 13-102 Aiding and abetting.

§ 13-101 ATTEMPT TO COMMIT AN OFFENSE.

Any person who attempts to commit a violation of any city ordinance and does any act toward the commission thereof, but fails or is prevented or interrupted from committing such violation, is guilty of an offense.

State Law Reference: Attempts, 21 O.S. §41 et seq.

§ 13-102 AIDING AND ABETTING.

No person shall knowingly aid, abet or assist, directly or indirectly, any other person in the commission of a violation of a city ordinance. Any person who shall violate any of the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be subject to punishment as provided in Section 8-301 of this code. (Ord. No. 618, 8/25/15)

State Law Reference: Aiding in a misdemeanor, 21 O.S. §28.

ARTICLE 2

OFFENSES INVOLVING INJURY TO PERSONS

§ 13-201 Assault.

§ 13-202 Battery.

§ 13-203 Fights or quarrels.

§ 13-201 ASSAULT.

A. No person shall commit an assault.

B. As used in subsection A the term "assault" shall mean any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

State Law Reference: Assault defined, 21 O.S. §641; punishment for assault, 21 O.S. §644.

§ 13-202 BATTERY.

A. No person shall commit a battery.

B. As used in subsection A the term "battery" shall mean any willful and unlawful use of force or violence upon the person of another.

State Law Reference: Battery defined, 21 O.S. §642; punishment for battery, 21 O.S. §644.

§ 13-203 FIGHTS OR QUARRELS.

No person shall wrangle, quarrel, fight or challenge another to fight within the city.

State Law Reference: Disturbing the peace by fighting, quarreling, etc. 21 O.S. §1362; duels and challenges, 21 O.S. §661 et seq.

ARTICLE 3

OFFENSES INVOLVING PROPERTY

- § 13-301 Definitions.
- § 13-302 Trespass on public property.
- § 13-303 Trespass on private property.
- § 13-304 Tampering with private or public property.
- § 13-305 Larceny.
- § 13-306 Fraudulent schemes, bad checks, etc.
- § 13-307 Obtaining service from public utility without authorization.

§ 13-301 DEFINITIONS.

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

1. “*Petit larceny*” shall mean the taking of personal property not exceeding five-hundred dollars (\$500.00) in value, accomplished by fraud or stealth, with the intent to deprive another thereof.

2. “*Private property*” shall mean any property other than public property.

3. “*Public property*” shall mean that property which is dedicated to the public use and over which the federal, state or municipal governments or any political subdivision thereof exercises control and dominion.

State Law Reference: Larceny defined, 21 O.S. §1701; petit larceny defined, 21 O.S. §1704.

§ 13-302 TRESPASS ON PUBLIC PROPERTY.

A. No person shall trespass on public property.

B. As used in this section:

1. “*Trespass*” shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises or government in violation and contrary to the provisions of any official sign posted to regulate and govern such entry or use.

2. “*Official sign*” shall mean any permanently fixed notice posted by the federal, state or municipal government owning or maintaining any said public property.

C. No person, who has the possession of any weapon, other than those persons exempted in this subsection, shall enter or remain on any public property, on which signs have been posted prohibiting the possession of any such weapons on said public property; provided however, the provisions of this subsection shall not apply to commissioned peace officers or duly CLEET licensed armed security personnel who are under contract with the posting entity which owns, controls, leases or operates the posted premises.

State Law Reference: Trespass, 21 O.S. §1835.

§ 13-303 TRESPASS ON PRIVATE PROPERTY.

A. No person shall trespass on private property.

B. As used in subsection A, the term “trespass” shall mean each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. “Trespass” shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. “Trespass” shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business operation are posted upon such premises. “Trespass”

shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

State Law Reference: Trespass, 21 O.S. §1835.

§ 13-304 TAMPERING WITH PRIVATE OR PUBLIC PROPERTY.

No person shall maliciously injure, deface or destroy any real or personal property, either public or private, which is not his own.

State Law Reference: Tampering, destroying, etc., property, 21 O.S. §§349, 372, 1751, 1753-1755, 1757, 1758, 1759, 1762, 1765, 1767.1, 1768, 1770-1779, 1784-1787, 1789, 1831.

§ 13-305 LARCENY.

No person shall commit the offense of petit larceny.

State Law Reference: Larceny, 21 O.S. §§1704, 1706, 1709, 1710, 1723, 1722, 1731.

§ 13-306 FRAUDULENT SCHEMES, BAD CHECKS, ETC.

A. Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person any money, property or valuable thing, of the value of five-hundred dollars (\$500.00), or less, by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game," or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of an offense.

B. As used in this section:

1. The term "false or bogus check or checks" shall include checks or orders given for money or property or in any case where the maker receives a benefit or thing of value 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, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further, that said check or order is presented for payment within thirty (30) days after same is delivered and accepted.

2. The word "credit" shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

State Law Reference: Similar provisions, 21 O.S. §§1541.1, 1541.4, 1541.5.

§ 13-307 OBTAINING SERVICE FROM PUBLIC UTILITY WITHOUT AUTHORIZATION.

No person shall obtain any water, gas, electricity, cable or other type of service from any public utility except by express authorization and in the manner directed by such public utility.

ARTICLE 4

OFFENSES AGAINST DECENCY AND MORALITY

DIVISION 1

GENERALLY

- § 13-401 Nudity indecent exposure or lewd acts in public.
- § 13-402 Prostitution.
- § 13-403 Gambling, definition.
- § 13-404 Gambling games prohibited.
- § 13-405 Slot machines.
- § 13-406 Gambling rooms and paraphernalia.
- § 13-407 Disorderly places, definitions.
- § 13-408 Maintaining a disorderly house.
- § 13-409 Leasing property for disorderly house.
- § 13-410 Residents and visitors to disorderly houses.

§ 13-401 NUDITY; INDECENT EXPOSURE OR LEWD ACTS IN PUBLIC.

No person shall appear in a state of nudity or make any indecent exposure of his genitals or perform any lewd act in any public place not designed for same.

State Law Reference: Indecent exposure, public lewdness, etc., 21 O.S. §1021.

§ 13-402 PROSTITUTION.

- A. It shall be unlawful for any person to commit an act of prostitution.

B. No person shall knowingly or intentionally pay, or offer or agree to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or deviate sexual conduct with the person or with any other person.

C. As used in sub§ A the term "prostitution" shall mean any sexual intercourse or deviate sexual conduct, which is performed for money or other property.

State Law Reference: Prostitution, 21 O.S. §1028 et seq.

§ 13-403 GAMBLING, DEFINITION.

As used in the division the term "gambling game" shall mean any game of faro, monte, poker, roulette, craps, wheel of fortune, or any banking or percentage game, or any other gambling game of chance played with dice, cards or any other device whatsoever for property, money, checks, credit or any other representation of value.

§ 13-404 GAMBLING GAMES PROHIBITED.

No person shall deal, play or carry on, or open or cause to be opened, or to conduct, either as principal or agent, whether for hire or otherwise, any gambling game.

§ 13-405 SLOT MACHINES.

No person shall set up, operate or conduct, or permit to be set up, operated or conducted in or about his place of business whether as owner, employee or agent, any slot machine or other mechanical or electrical device for the purpose of having or allowing it to be played for money, property, checks, credits, or for any other representation of value.

State Law Reference: Similar provisions, 21 O.S. §941.

§ 13-406 GAMBLING ROOMS AND PARAPHERNALIA.

Any person who keeps or maintains a gaming room, gaming table, or any policy or pool tickets used for gaming, or knowingly permits a gaming room, gaming table or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or any person having any gaming paraphernalia in his possession, shall be guilty of an offense.

State Law Reference: Gambling, generally, 21 O.S. §§941-995.18.

§ 13-407 DISORDERLY PLACES, DEFINITIONS.

As used in this chapter the term "disorderly house" shall mean any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute or city ordinance; or
2. The violation of any ordinance or state statute regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one per cent alcohol by volume; or
3. The performance of any sexual act declared unlawful by ordinance or state statute including, but not limited to, soliciting for the purposes of prostitution, or
4. The violation of any ordinance or state statute prohibiting gambling.

§ 13-408 MAINTAINING A DISORDERLY HOUSE.

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

State Law Reference: Keeping a disorderly house, 21 O.S. §1026.

§ 13-409 LEASING PROPERTY FOR DISORDERLY HOUSE.

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

B. The occurrence of any act in any house, building, structure, tent, vehicle, mobile home, or recreational vehicle which results in the conviction of any person in the municipal court for a violation of this article, or of §13-408, shall, after the lapse of thirty (30) days from such conviction, constitute notice to all owners, lessors, and other persons having control thereof that such premises are being occupied as a disorderly house. However, no such notice as contemplated by this subsection shall be effective unless written notice of such

conviction shall have been delivered in person to such owner, lessee, or other person having control over such premises by a duly authorized officer of the police department.

C. Any person required to discontinue any lease or permitted use of property by subsections A and/or B herein shall not accept any rents, fees, profits or consideration of any type from the lessees or other persons or corporations occupying or in control or possession of the premises at the time the disorderly house requiring such discontinuance of lease or permitted use occurred. Each day for which such rent, fee, profit or consideration is accepted shall constitute a separate offense.

State Law Reference: Leasing property for a disorderly house, 21 O.S. §1027.

§ 13-410 RESIDENTS AND VISITORS TO DISORDERLY HOUSES.

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

ARTICLE 5

OFFENSES AGAINST PUBLIC PEACE AND ORDER

- § 13-501 Riotous conduct; disturbing peace.
- § 13-502 Unlawful assembly.
- § 13-503 Obstructing streets, sidewalks, etc.
- § 13-504 Fighting words or gestures.
- § 13-505 False alarms.
- § 13-506 Removal of barricades.
- § 13-507 Eluding police officers.
- § 13-508 Loud noise or music prohibited; amplified sound.

§ 13-501 RIOTOUS CONDUCT; DISTURBING PEACE.

No person shall conduct himself in a riotous or disorderly manner, or make or cause to be made any loud, or unnecessary, or offensive noise, or wantonly disturb the quiet of the city or any lawful assembly of persons, or any church or religious meeting or any house, family or neighborhood, or any person.

State Law References: Riot generally, 21 O.S. §1311 et seq.; grossly disturbing the peace, 21 O.S. §22; disturbing the peace, 21 O.S. §1362.

§ 13-502 UNLAWFUL ASSEMBLY.

A. Any person who collects or assembles in crowds and bodies for unlawful or mischievous purposes in any place in the city to the annoyance or inconvenience of other persons, or who shall be involved in, or incite or attempt to incite a riot, or who shall fail to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

B. No three (3) or more persons shall assemble together or act in concert to do any act with force and violence against the property of the city, the person or property of another, or against the peace, or to the terror of others or make any movement or preparation therefor. No person shall remain present at the place of such assembly after being warned by a police officer to disperse. (Prior Code §13-32)

State Law Reference: Riots and unlawful assembly, 21 O.S. §1311 et seq.

§ 13-503 OBSTRUCTING STREETS, SIDEWALKS, ETC.

Any person who collects or assembles and stands or sits in crowds or loiters about or hinders, obstructs, impedes or blocks the free and uninterrupted passage on any sidewalk, street, alley or driveway or in front of any place of business, or in any hall, stairway, office building or any other public place and who fails to disperse upon the command of a police officer or other lawful authority shall be guilty of an offense.

§ 13-504 FIGHTING WORDS OR GESTURES.

Any person who utters any indecent, lewd or filthy words, or uses any threatening language toward any other person, or makes any obscene gesture to or about any other person in any public place which is likely to provoke the average person to retaliation and thereby cause a breach of the peace shall be guilty of an offense.

State Law Reference: Similar provisions, 21 O.S. §1362.

§ 13-505 FALSE ALARMS.

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

§ 13-506 REMOVAL OF BARICADES.

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

§ 13-507 ELUDING POLICE OFFICERS.

Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren or a siren only from a police officer driving a motor vehicle showing the same to be an official police vehicle, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does willfully attempt in any other manner to elude such police officer, or who does elude such peace officer, is guilty of an offense.

§ 13-508 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

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

B. It shall be unlawful for any person in lawful control of a motor vehicle to cause, suffer or allow any unreasonable loud and excessive noise in such motor vehicle, to include noise from a radio, car stereo or electronic audio equipment or similar equipment. A violation will occur if the noise is clearly audible from a location not less than fifty feet (50') from its source. Violations of this subsection may be filed only by police officers and code enforcement personnel.

ARTICLE 6

OFFENSES AGAINST GOVERNMENT

- § 13-601 Obstructing or interfering with official process.
- § 13-602 Resisting arrest.
- § 13-603 Aiding in escape.
- § 13-604 Escapes from custody.
- § 13-605 Impersonating an officer or employee.

§ 13-601 OBSTRUCTING OR INTERFERING WITH OFFICIAL PROCESS.

No person shall oppose, obstruct or otherwise interfere with a police officer or other peace official in the discharge of his official duties.

State Law Reference: Obstructing police officers, 21 O.S. §540.

§ 13-602 RESISTING ARREST.

A. Resisting arrest 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.

B. The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification and connotation mean:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail.

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

4. Resisting arrest is an offense.

§ 13-603 AIDING IN ESCAPE.

No person shall set at liberty or rescue or attempt by force or in any other manner to set at liberty any person who is under the legal custody and charge of an officer.

§ 13-604 ESCAPES FROM CUSTODY.

No person held in custody by any peace officer shall escape or attempt to escape from such officer or to attempt to break jail.

State Law Reference: Attempts to escape from jail, 21 O.S. §436.

§ 13-605 IMPERSONATING AN OFFICER OR EMPLOYEE.

No person shall impersonate any officer or employee of the city or falsely represent himself to be such an officer or employee or exercise any duties, functions and powers of any such officer or employee.

State Law Reference: Impersonation of public officer, 21 O.S. §§263, 264, 1533.

ARTICLE 7

WEAPONS AND RELATED OFFENSES

- § 13-701 Carrying dangerous weapons.
- § 13-702 Reckless conduct.
- § 13-703 Discharging firearms; exceptions.

§ 13-701 CARRYING DANGEROUS WEAPONS.

A. It shall be unlawful for any person to carry upon or about his person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any dagger, bowie knife, dirk knife, switchblade 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, hand chain, metal knuckles or any other offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit.

1. The proper use of guns and knives for hunting, fishing, educational or recreational purposes;
2. The carrying or use of weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act;
3. The carrying, possession and use of any weapon by a peace officer or other person authorized by law to carry a weapon in the performance of official duties and in compliance with the rules of the employing agency.
4. The carrying or use of weapons in a courthouse by a district judge, associate district judge or special district judge within this state, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose name appears on a list manufactured by the administrative director of the courts; or
5. The carrying and use of firearms and other weapons provided in this subsection when used for the purpose of living history reenactment. For

purposes of this paragraph, 'living history reenactment' means depiction of historical characters, scenes, historical life or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period;

B. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in §8-301. (Prior Code; Ord. No. 602, 4/22/14)

State Law Reference: Carrying dangerous weapons, 21 O.S. §1272.

§ 13-702 RECKLESS CONDUCT.

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

§ 13-703 DISCHARGING FIREARMS; EXCEPTIONS.

As used in the Oklahoma Firearms Act of 1972, Sections 1289.1 through 1289.17 of Title 21 of the Oklahoma Statutes, the following definitions shall apply:

A. 1. Pistols shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle."

2. Rifles shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle.:"

B. It is unlawful for any person to discharge or fire a firearm, including an air rifle or BB gun, rifle, CO² gun, slingshot or bow and arrows, except this section shall not apply to the following circumstances.

1. In necessary self-defense of persons or property;
2. A law enforcement officer or security guard in the performance of their duty;
3. For the purpose of target shooting or practice on a range operated by qualified personnel; qualified personnel shall consist of either a certified firearms safety instructor, rifle or pistol marksmanship instructor certified by the National Rifle Association, or person designated by a rifle or pistol club, public or private school or military agency.
4. For the purpose of target shooting on private premises with air, spring of CO² operated BB or pellet guns, bow and arrows or slingshots, if:
 - a. The target area is enclosed in such a manner and with materials that will stop the projectiles; and
 - b. Such target shooting is supervised by an adult at all times;
5. In an undeveloped area for hunting purposes, limited to shotgun use with number 2 size shot or smaller and bow and arrows, so long as the shot or arrow does not pass or is likely to pass through or fall within a populated area or place of habitation;
 - a. On parcels of twenty (20) acres or more, double B.B. shells, rim fire, and center fire no larger than 30.06 for hunting purposes.
6. In an area recommended as a hunting area by the state and posted as such;
7. In compliance with the S-1, Suburban District, Section 21-704 entitled "Exceptions from Ordinances";
8. Any military exercise; parade, funeral or special event; or
9. Events. The discharge of weapons may be authorized by the council upon proper application by duly organized social, civic, charitable, educational, religious or fraternal organizations, principally operating in and based in the City for a single or continuing event for such time period as the council may prescribe subject to the conditions contained in this section and the applicable zoning ordinances which must be met prior to the application as set forth in this section. The judgment of the city council concerning whether such organization is a proper city organization shall be final. Additionally, the city council may set forth any other standards concerning safety at such events.

- a. Application. The application shall be made upon forms as prescribed by the city manager;
 - b. Insurance. Applicants shall furnish, as a condition to securing permission from the city council for the event, a public liability or standard general liability policy or spectator liability or special events policy as deemed appropriate by the City in an amount not less than five-hundred thousand (\$500,000.00) dollars, combined single limit, to include both property and bodily injury, with the City as an additional insured.
 - c. Safety Officer Designee. A safety officer provided by the organization shall be required to be present during all hours of operation of the event. Such officer shall be designated by the organization and approval by the city manager.
 - d. Gun Rest Requirements. The organization must provide a safe gun rest that accommodates the total number of participants.
 - e. Authority to Discontinue or Order Changes. The city manager or his designee is authorized to order the event discontinued immediately or to order such other arrangements for safety as he deems necessary if he finds that the event is not operated or supervised in a manner so as not to endanger the lives of persons and property, including those participating in the event. In those instances when the event is ordered discontinued, the organization must seek permission from the city council before subsequent events may be held.
10. For the purpose of using CO² operated guns on a private or public paintball course; provided that the paintball course, in the judgment of the city manager or his designee, operates in accordance with the standards of safety in the industry and operates in such manner that the paintballs or projectiles do not pass or are not like to pass through or fall within a populated area or place of habitation. [Ord. No. 696, 2/26/19]

State Law Reference: Discharging firearms or air rifles in public places, 21 O.S. §§1289.17A and 1364; Authority of city to prohibit discharge of firearms, 11 O.S. §22-110A.

ARTICLE 8

ALCOHOL, DRUGS AND RELATED SUBSTANCES

§ 13-801 Public intoxication and drinking prohibited.

- § 13-802 Possession, intoxicating and non-intoxicating beverages.
- § 13-803 Definitions.
- § 13-804 Possession.
- § 13-805 Implements for controlled dangerous substances.
- § 13-806 Smelling, inhaling, etc., of glue, etc.

§ 13-801 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

A. Any person who shall, in any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink or otherwise consume any intoxicating liquor unless authorized by the Oklahoma Alcoholic Beverage Control Act, intoxicating substance, or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated in any public or private road, or in any passenger coach, streetcar, or any public place or building, or at any public gathering, from drinking or consuming such intoxicating liquor, intoxication substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated from any cause and shall disturb the peace of any person, he shall be guilty of an offense.

B. For the purposes of this section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, non-intoxicating, spirituous, vinous, or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others.

§ 13-802 POSSESSION, INTOXICATING AND NON-INTOXICATING BEVERAGES.

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating or non-intoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the city limits.

B. It is unlawful for any parent or guardian of a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.

C. For the purpose of this section, "intoxicating beverage" and "non-intoxicating beverage" shall be as defined in §§2-201 et. seq. of this code.

§ 13-803 DEFINITIONS.

A. As used in this article the following words and phrases shall have the meanings respectively ascribed to them in this section:

1. “*Administer*” shall be defined in §2-101 of Title 63 of the Oklahoma statutes.

2. “*Controlled dangerous substance*” shall be as defined in §2-101 of Title 63 of the Oklahoma statutes.

3. “*Deliver*” or “*delivery*” shall be as defined in §2-101 of Title 63 of the Oklahoma statutes.

4. “*Drug paraphernalia*” shall mean 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 dangerous substance in violation of state law. 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 dangerous substance can be derived;
- b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled dangerous substances;
- c. Isomerization devices used intended for use, or designed for use in increasing the potency of any species of plant which is a controlled dangerous substance;
- d. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances;
- e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled dangerous substances;
- f. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled dangerous 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, marihuana;
- h. Blenders, bowls, containers, spoons and mixing devices used, intended for use in compounding controlled dangerous substances;
- i. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled dangerous substances;
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled dangerous substances;
- k. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled dangerous substances into the human body;
- 1. 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;
 - 13) Ice pipes or chillers;
- m. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- 1) Statements by an owner or by anyone in control of the object concerning its use;
 - 2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled dangerous substance;
 - 3) The proximity of the object, in time and space, to a direct violation of this article or of the State Uniform Controlled Dangerous Substance Act;
 - 4) The proximity of the object to controlled dangerous substance;
 - 5) The existence of any residue of controlled dangerous substances on the object;
 - 6) Direct or circumstantial evidence of the intent of any 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 this article or the State Uniform Controlled Dangerous Substance Act; the innocence of the owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 - 7) Instructions, oral or written, provided with the object concerning its use;
 - 8) Descriptive materials accompanying the object which explain or depict its use;
 - 9) National and local advertising concerning its use;
 - 10) The manner in which the object is displayed for sale;

- 11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 12) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- 13) The existence and scope of legitimate uses for the object in the community;
- 14) Expert testimony concerning its use.

5. “Marijuana” shall be as defined in §2-101 of Title 63 of the Oklahoma statutes.

6. “Sale” includes barter, exchange or gift, or offer therefor, and each such transaction made by any person, principal, proprietor, agent, servant or employee.

State Law Reference: Uniform Controlled Dangerous Substance Act, 63 O.S. §2-101 et seq.

§ 13-804 POSSESSION.

It is unlawful for any person knowingly or intentionally to possess any of the following controlled dangerous substances unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as authorized by state law:

1. Any substance listed in §§2-208, 2-209 or 2-210 of Title 63 of the Oklahoma statutes; or
2. Any marijuana; or
3. Any substance included in subsection D of §2-206 of Title 63 of the Oklahoma statutes.

State Law Reference: Similar provisions, 63 O.S. §2-402.

§ 13-805 IMPLEMENTS FOR CONTROLLED DANGEROUS SUBSTANCES.

A. 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 dangerous substance in violation of this article or state law.

B. 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 dangerous substance in violation of this article or state law.

C. 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.

§ 13-806 SMELLING, INHALING, ETC., OF GLUE, ETC.

A. It shall be unlawful for any person deliberately to smell, inhale, breathe, drink, or otherwise consume any compound, liquid, chemical, narcotic, drug or any other substance containing any ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbons, such as gasoline, glue, fingernail polish, adhesive cement, mucilage, dope or any other substance or combination.

B. The provisions of sub§ A shall not pertain to any person who inhales, breathes, drinks or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist or podiatrist. (Prior Code §13-27 & 13-28; Ord. No. 1999-05, 6/8/99)

State Law Reference: Similar provisions, 63 O.S. §465.20.

ARTICLE 9

CURFEW

§ 13-901 Curfew for minors.

§ 13-901 CURFEW FOR MINORS.

A. *Definition.* For the purpose of this section, a minor shall mean any person under the age of eighteen (18) years, but shall not include any person who is legally emancipated or certified as an adult.

B. *Curfew Generally.* No minor shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or

other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, to include, but not be limited to, driving, riding or parking any motorized or non-motorized vehicle in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 P.M. and 6:00 A.M. of the following day, of every night and morning in the week, except Friday and Saturday nights and the following morning, and between the hours of 1:00 A.M. Friday and Saturday nights and 6:00 A.M. of the following morning.

C. *Exceptions.* The following shall constitute valid exceptions to the operation of subsection B:

1. At any time, if the minor is accompanied by his or her parent, legal guardian or adult person having care and custody of the minor, or other person who has reached the age of twenty-one (21) years old and who is specifically approved by the minor's parent, legal guardian, or adult person having care and custody of the minor, which person shall be responsible for the acts of the minor;

2. Until the hour of 1:00 A.M. on any day of the week, if the minor is on an errand as directed by his or her parent, legal guardian or adult person having care and custody of the minor;

3. If the minor is legally employed, for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come under this exception, the minor must be carrying a written statement from the employer attesting to the place and hours of employment;

4. Until the hour of 1:00 A.M. on any day of the week, if the minor is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;

5. If the minor is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment such as a movie, play, or sporting event. This exception will apply for one-half hour after the completion of such event. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the police department at least twenty-four (24) hours in advance, informing it of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization;

6. If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech or assembly, provided the minor first has given notice to the chief of police by delivering a written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew period.

D. Violations.

1. A police officer who has probable cause to believe that a minor is in violation of this § for the first time shall issue the minor a written warning with a copy of the warning mailed to the minor's parents, legal guardian or other adult person having the care and custody of the minor at the time the violation of this section occurs or as otherwise provided by this section. A police officer who has probable cause to believe that a minor is in violation of this section for a second or subsequent time shall issue the minor a written complaint, if the minor signs the written promise to appear, with a copy of the complaint mailed to the minor's parents, legal guardian or other adult person having the care and custody of the minor at the time the violation of this section occurs or as otherwise provided by this section. In the event that the minor fails, refuses or neglects to sign the promise to appear or fails to go home after being instructed to by the police officer, then the police officer may take the minor to the police station. At that time, the minor's parent, legal guardian or adult person having the care and custody of the minor shall be immediately contacted. In the event that such parent, legal guardian or adult person having the care and custody of the minor, the minor may be referred to a state approved agency pursuant to state law, released to a responsible adult or relatives, or such other action as the police officer deems necessary.

2. The police shall send the minor's parent, legal guardian or adult person having the care and custody of the minor, written notice of the violation, or by serving such notice personally on such person, warning them that two or more violations of this ordinance by the minor may result in the filing of a charge against such parent, legal guardian or adult person having the care and custody of the minor for a violation of sub§ D (3).

3. No parent, legal guardian or other adult person having the care and custody of a minor shall permit such minor to violate the provisions of sub§ B. In any prosecution for the violation of the provisions of this section, proof that the minor violated sub§ B on two (2) or more occasions, together with proof that the parent, legal guardian or adult person having the care and custody of such minor was given written notice of two (2) or more previous violations of Sub§ B as provided by subsection D (2), shall constitute in evidence a prima facie presumption that the parent, legal guardian or adult person having the care and custody of such minor permitted such minor to violate sub§ B of this section.

4. Any parent, legal guardian or adult person having the care and custody of a minor who is contacted by the police pursuant to Subsection D(1) hereinabove for a violation by such minor of sub§ B and who refuses to take custody of such minor, shall be guilty of an offense.

ARTICLE 10

PREVENTION OF YOUTH ACCESS TO TOBACCO

§ 13-1001 Definitions.

§ 13-1002 Furnishing or sale of tobacco products and vapor products to minor.

§ 13-1003 Receipt of tobacco products and vapor products by minors.

§ 13-1004 Distribution of tobacco product and vapor product samples.

§ 13-1005 Public access to displayed tobacco products and vapor products.

§ 13-1006 Report of violations and compliance checks.

§ 13-1001 DEFINITIONS.

A. “*Cigarette*” means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and costs of or contains:

1. any roll of tobacco wrapped in paper or in any substance not containing tobacco;

2. tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette.

The term “cigarette” includes “roll-your-own” (i.e. any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.) For purposes of this definition of cigarette, nine one-hundredths (0.09) of an ounce of “roll-your-own” tobacco shall constitute one individual “cigarette.”

B. “*Person*” means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

C. “*Proof of age*” means a driver 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;

D. “*Sample*” means a tobacco product distributed to members of the public at no cost for the purpose of promoting the product;

E. “*Sampling*” means the distribution of samples to members of the public in a public place;

F. “*Tobacco product*” means any product that contains or is derived from tobacco and is intended for human consumption excluding drugs or devices approved for cessation by the United States Food and Drug Administration. This includes e-cigarettes and vapor products, with or without nicotine.

G. “*Transaction scan device*” means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issue photo identification.

H. “*Vapor product*” shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. “Vapor products” shall include any vapor cartridge or other container with or without nicotine or other from that similar product or device. “Vapor products” do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act. (Prior Code §13-21; Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/2/15)

§ 13-1002 FURNISHING OR SALE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS TO MINORS.

A. It is unlawful for any person to sell, give or furnish in any manner any tobacco product, tobacco product or vapor product (see definition) to another person who is under eighteen (18) years of age, or to purchase in any manner tobacco, a tobacco products or vapor product on behalf of any such person. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco, tobacco products or vapor products when required in the performance of the employee’s duties.

B. A person engaged in the sale or distribution of tobacco, tobacco products or vapor 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 less than eighteen (18) years of age. If an individual engaged in the sale or distribution of tobacco, tobacco products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of this subsection.

C. Any violation of subsection A or B of this article is an offense against the city of Blanchard; upon conviction of any such offense, the violator shall be punished as follows:

1. Not more than one-hundred dollars (\$100.00) for the first offense;
2. Not more than two-hundred dollars (\$200.00) for the second offense within a two (2) year period following the first offense;
3. Not more than three-hundred dollars (\$300.00) for the third or subsequent offense within a two (2) year period following the first offense.

D. 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. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:

1. The individual who purchased or received the tobacco product or vapor product presented a driver license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older; or
2. The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this sub§ does not affect the availability of any other defense under any other provision of law. (Prior Code §13-22; Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/24/15)

§ 13-1003 RECEIPT OF TOBACCO PRODUCTS AND VAPOR PRODUCTS BY MINORS.

A. It is unlawful for a person who is under eighteen (18) years of age to purchase, receive, or have in his or her possession a tobacco product, or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any tobacco product or vapor products. It shall not be unlawful for an employee under age eighteen (18) years of age to handle tobacco products or vapor products when required in the performance of the employee's duties.

B. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsections (a) of this section, the total of any fines, fees, or costs shall not exceed the following:

1. One-hundred dollars (\$100.00) for a first offense; and
2. Two-hundred dollars (\$200.00) for a second or subsequent offense within a one (1) year period following the first offense. (Prior Code §13-25; Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/24/15)

§ 13-1004 DISTRIBUTION OF TOBACCO PRODUCT AND VAPOR PRODUCT SAMPLES.

A. It shall be unlawful for any person or retailer to distribute tobacco, tobacco products, tobacco or tobacco product samples or vapor products samples to any person under eighteen (18) years of age.

B. No person shall distribute tobacco, tobacco product or vapor 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.

C. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsections (a) or (b) of this section, the total of any fines, fees, or costs shall not exceed the following:

1. One-hundred dollars (\$100.00) for the first offense;
2. Two-hundred dollars (\$200.00) for the second offense; and
3. Three-hundred dollars (\$300.00) for the third or subsequent offense. (Prior Code §13-23(1); Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/24/15)

§ 13-1005 PUBLIC ACCESS TO DISPLAYED TOBACCO PRODUCTS AND VAPOR PRODUCTS.

A. It is unlawful for any person or retail store to display or offer for sale tobacco products or vapor products in any manner that allows public access to the tobacco product or vapor products without assistance from the person displaying the tobacco product or vapor products or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under eighteen (18) years of age.

B. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall

not exceed two-hundred dollars (\$200.00) for each offense. (Prior Code §13-24; Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/24/15)

§ 13-1006 REPORT OF VIOLATIONS AND COMPLIANCE CHECKS.

A. Any conviction for a violation of this article and any compliance checks conducted by the police department pursuant to sub§ (b) of this section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the court clerk or his or her designee and compliance checks shall be reported by the chief of police or his or her designee

B. Persons under eighteen (18) years of age may be enlisted by the police department to assist in enforcement of this article pursuant to the rules of the ABLE Commission. (Prior Code §13-23(2)(3); Ord. No. 1999-06, 6/8/99; Ord. No. 611, 3/24/15)

ARTICLE 11

TRUANCY

- § 13-1101 Truancy.
- § 13-1102 Exceptions.
- § 13-1103 Violations.

§ 13-1101 TRUANCY.

A. *Parental responsibility.* For those public, private and other schools wherein attendance is mandated by the state of Oklahoma, it shall be unlawful for a parent or legal guardian of a minor who is over the age of six (6) years and under the age of eighteen (18) years to neglect or refuse to cause or compel the minor to attend and comply with the rules of such public, private or other school of the parent or legal guardian's choosing in which the minor is enrolled.

B. *Refusal of minor to attend school.* For those public, private and other schools wherein attendance is mandated by the state of Oklahoma, it is unlawful for any minor, who is over the age of six (6) and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of such public, private or other school or receive an education by other means for the full term the schools of the district in which the minor attends are in session.

§ 13-1102 EXCEPTIONS.

The following shall constitute valid exceptions to the operation of §13-1101 of this article:

A. *Mental or physical disability.* If any such minor is prevented from attending school by reason of mental or physical disability as determined by the board of education of the district, upon a certificate of the school physician or public health physician; or if no physician is available, a duly licensed and practicing physician.

B. *Emergency situation.* If any such minor is excused from attendance at school, due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent or legal guardian of the minor.

C. *Excused by school and parent.* If any such minor is excused attending school by:

1. The administrator of the school or district where the minor attends school; and

2. The parent of the minor. Providing, further, that no minor shall be excused from attending school by such joint agreement between a school administrator and the parent or legal guardian of the minor unless and until it has been determined that such action is in the best interest of the minor and/or community, and that said minor shall, therefore, be under the supervision of the parent or legal guardian until the minor has reached the age of eighteen (18) years.

D. *Observing religious holy days.* If any such minor is observing religious holy days, if, prior to the absence, the parent or legal guardian of the minor submits a written request for the absence. The school district shall excuse a student pursuant to this sub§ for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

§ 13-1103 VIOLATIONS.

A. *Separate offense each day.* Each separate day of violation shall constitute a separate offense whether against the parent or legal guardian of a minor for violation of §13-1101(A) or the minor for a violation of §13-1101(B) of this article.

B. *Penalty.* A violation of this article shall be subject to a fine of not to exceed two-hundred fifty dollars (\$250.00) plus costs and state assessments.

ARTICLE 12

TOBACCO FREE AREAS

- § 13-1201 Purpose.
- § 13-1202 Definitions.
- § 13-1203 Prohibition of tobacco products and electronic smoking devices in certain places prohibited.
- § 13-1204 Exemptions.
- § 13-1205 Designated smoking rooms and areas.
- § 13-1206 Posting.
- § 13-1207 Violation and penalty.
- § 13-1208 Enforcement.

§ 13-1201 PURPOSE.

Tobacco Use in all forms has been determined to be injurious to human health, to constitute a source of annoyance, and discomfort to non-tobacco users and to the public as a whole, and to be a public nuisance due to the following:

1. Reliable studies have shown that breathing side stream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

2. Health hazards induced by breathing side stream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

3. Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing side stream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

4. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections and cancer; and

5. Smoking is a potential cause of fires;

6. The smoking or chewing of tobacco, or any other weed or plant, is a danger to health;

7. Likewise, the chewing of tobacco in any form results in unsanitary and unhealthy spit and saliva residue containing body fluids that place the

health of any person coming into contact with such body fluids at risk. (Ord. No. 574, 9/11/12)

§ 13-1202 DEFINITIONS.

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

A. *Indoor workplace* means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed;

B. *Electronic smoking device* means an electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. Electronic smoking device includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor;

C. *Outdoor area* means any covered area, partially covered area or area open to the sky that is on a property owned by the city.

D. *Public place* means any enclosed indoor area where individuals other than employees are invited or permitted; the term is synonymous with the phrase any indoor place used by or open to the public;

E. *Restaurant* means any eating establishment regardless of seating capacity;

F. *Recreational area* means any area that is owned, controlled or used by the city of Blanchard, Oklahoma and open to the general public for recreational purposes, regardless of any fee or age requirement. The term 'recreational area' includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths,

riding trails, swimming pools, roller- and ice-skating rinks, beaches surrounding lakes and skateboard parks.

G. *Smoking* means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device;

H. *Stand-alone bar, stand-alone tavern, and cigar bar* mean an establishment that derives more than 60 percent of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under 21 years of age is admitted, except for members of a musical band employed or hired as provided in paragraph 2 of sub§ B of §537 of Title 37 of the Oklahoma Statutes and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant; and

I. *Tobacco product* means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco product" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. (Ord. No. 574, 9/11/12; Ord. No. 594, 11/12/13)

§ 13-1203 PROHIBITION OF TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES IN CERTAIN PLACES PROHIBITED.

A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law.

B. All buildings and other properties, including indoor and outdoor areas, owned or operated by this city, shall be entirely tobacco free to include all forms of tobacco products including electronic smoking devices.

C. All indoor and outdoor recreational areas owned or operated by this city, shall be entirely tobacco free to include all forms of tobacco products including electronic smoking devices.

D. All vehicles owned and/or operated by the city of Blanchard, the Blanchard Municipal Improvement Authority, the Blanchard Economic Trust Authority or any other public trust, the city of which is the beneficiary, shall be entirely tobacco free from all forms of tobacco

products including electronic smoking devices. (Ord. No. 574, 9/11/12; Ord. No. 594, 11/12/13; Ord. No. 697, 3/26/19)

§ 13-1204 EXEMPTIONS

The restrictions provided in §13-1203 of this code of ordinances shall not apply to the following:

- A. stand-alone bars, stand-alone taverns and cigar bars;
- B. the room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
- C. up to twenty-five (25) percent of the guest rooms at a hotel or other lodging establishment;
- D. retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
- E. workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
- F. workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;
- G. private offices occupied exclusively by one or more smokers;
- H. private residences and workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;
- I. medical research or treatment centers, if smoking is integral to the research or treatment;
- J. a facility operated by a post or organization of past or present members of the armed forces of the United States which is exempt from taxation pursuant to Sections 501 (c)(8), 501 (c)(10) or 501 (c)(19) of the Internal Revenue Code, 26 U.S.C., Sections 501(c)(8), 501 (c)(10) or 501 (c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of

post or organization nonprofit operations except during an event or activity which is open to the public; and

K. any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant. (Ord. No. 574, 9/11/12; Ord. No. 594, 11/12/13)

§ 13-1205 DESIGNATED SMOKING ROOMS AND AREAS.

A. An employer not otherwise restricted from doing so under this article may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake.

B. If smoking is to be permitted in any space exempted in §13-1204 of this code of ordinances or in a smoking room pursuant to sub§ (a) of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.

C. A nursing facility licensed pursuant to the Nursing Home Care Act may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building.

D. Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health. (Ord. No. 594, 11/12/13)

§ 13-1206 POSTING.

A. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.

B. Responsibility for posting signs or decals shall be as follows:

1. in privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;

2. in corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and

3. in publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

C. It shall be the responsibility of the City of Blanchard to post signs and/or decals of the following sizes and types as follows:

1. Signs and/or decals at least 4 inches by 2 inches (4"x 2") in size at each entrance of any and all city owned and/or leased property indicating that the property is tobacco and vapor free.

2. Weather resistant signs and/or decals at least fifteen inches by fifteen inches (15"x 15") and/or twelve inches by eighteen inches (12"x 18") in size with at least one inch (1") lettering at the entrance to any and all outdoor areas owned, leased or operated by the City of Blanchard. (Ord. No. 594, 11/12/13; Ord. No. 697, 3/26/19)

§ 13-1207 VIOLATION AND PENALTY.

Any person who knowingly violates this article is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one-hundred dollars (\$100.00). (Ord. No. 574, 9/11/12; Ord. No. 594, 11/12/13)

§ 13-1208 ENFORCEMENT.

The city of Blanchard, the state of Oklahoma, or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent smoking in public places:

A. post signs at entrances to places where smoking is prohibited which state that tobacco use is prohibited or that the indoor environment is

free of tobacco smoke; and

B. ask tobacco users to refrain from using any form of tobacco products, including electronic smoking devices upon observation of anyone violating the provisions of this act. (Ord. No. 594, 11/12/13)

ARTICLE 13

JUVENILE OFFENSES; COURT

- § 13-1301 Original jurisdiction of municipal court in certain juvenile cases.
- § 13-1302 Allowing or encouraging a minor to commit offenses.
- § 13-1303 Failure to comply with written promise to appear with juvenile.
- § 13-1304 Parental responsibility; failure to control.
- § 13-1305 Commission of a crime in the presence of minors.
- § 13-1306 Penalty.

§ 13-1301 ORIGINAL JURISDICTION OF MUNICIPAL COURT IN CERTAIN JUVENILE CASES.

The municipal court of the city may elect to have and possess original jurisdiction to hear and determine cases involving children under eighteen (18) years of age charged with violating any municipal ordinance and penalize such persons found guilty as allowed by Title 10A O.S. §2-2-103. (Ord. No. 609, 11/25/14)

§ 13-1302 ALLOWING OR ENCOURAGING A MINOR TO COMMIT OFFENSES.

It shall be unlawful for any person to knowingly or willfully aid, abet, allow, encourage or, by an omission of duty, encourage or assist a minor to commit any municipal, state or federal offense. (Ord. No. 609, 11/25/14)

§ 13-1303 FAILURE TO COMPLY WITH WRITTEN PROMISE TO APPEAR WITH JUVENILE.

Any person who fails to voluntarily appear before the municipal court with a juvenile defendant on the appointed date and time, regardless of the disposition of the charge for which the citation(s) was originally issued to the juvenile defendant, after having such juvenile defendant released to his/her care and control and pursuant to a signed promise to appear with the juvenile shall be guilty of an offense. (Ord. No. 609, 11/25/14)

§ 13-1304 PARENTAL RESPONSIBILITY; FAILURE TO CONTROL.

It shall be unlawful for any parent to fail to control a minor who is under the supervision of the parent by, after notification of a prior offense committed by the minor, failing to prevent the minor from committing the same offense or more than one (1) other offense within one (1) year of the date the minor committed the first offense. (Ord. No. 609, 11/25/14)

§ 13-1305 COMMISSION OF A CRIME IN THE PRESENCE OF MINORS.

It shall be unlawful for any person to commit any municipal, state or federal offense in the presence of any person under the age of eighteen (18) years of age. (Ord. No. 609, 11/25/14)

§ 13-1306 PENALTY.

Any person convicted of violating any section in this article shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in §8-301, of this code of ordinances. Every day upon which a violation continues shall be deemed a separate offense. (Ord. No. 609, 11/25/14)

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CHAPTER 14

OIL AND GAS DRILLING

ARTICLE 1

GENERAL PROVISIONS

- § 14-101 Definitions.
- § 14-102 Municipal drilling permit required.
- § 14-103 Application for permit.
- § 14-104 Bonds required.
- § 14-105 Existing wells.
- § 14-106 Zoning.
- § 14-107 Annual permits.

ARTICLE 2

REGULATORY PROVISIONS

- § 14-201 Repealed.

ARTICLE 3

PENALTY

- § 14-301 Penalty.

ARTICLE 1

GENERAL PROVISIONS

- § 14-101 Definitions.
- § 14-102 Permit requirement.
- § 14-103 Permit application.
- § 14-104 Issuance of permit.
- § 14-105 Site design and installation.
- § 14-106 Zoning classification.
- § 14-107 Annual permits.

§14-101 DEFINITIONS.

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

Administrative. A regulatory review and/or action performed by an employee and/or contractor of the City and not deemed a legislative or quasi-judicial action.

Applicant. Any person, owner, Operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

City Streets. Shall mean all streets, roads, alleys and rights-of-way within the corporate limits of Blanchard.

Drilling Permits. Shall mean a written permit allowing the holder thereof to drill one oil or gas well within the legally described area of the City and in conformity with the provisions of this Article.

Exploration. Geologic or geophysical activities, including, but not limited to surveying and seismic exploration, related to the search for oil, gas, or other sub-surface hydrocarbons.

Local street. A public street designed to provide access to abutting lots and to discourage through traffic.

Official Truck Route. Shall mean traffic routes on which travel of vehicles in excess of 26,000 GVWR is permitted.

Oil and Gas. Means oil or gas or both. “Oil and gas” refers to not only to oil and gas in combination with each other but also generally to oil, gas casinghead gas, casinghead gasoline, gas-distillate or other hydrocarbons, or

any combination of combinations thereof, which may be found in or produced from a common source or supply of oil, oil and gas, or gas-distillate.

Oil and Gas Well. A hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.

Operator. The person of record, that is responsible for and actually in charge and control of drilling, maintaining, operating, pumping or controlling any well including, without limitation, a unit Operator. If the “Operator”, as defined herein, for any well is not the lessee of any premises affected by the provisions of this chapter, then such lessee shall also be deemed to be an Operator. In the event there is no oil and gas lease relating to any premises affected by this chapter, the owner of the fee mineral estate in the premises shall also be deemed an Operator.

Protected Land Uses. Shall include religious institutions, public buildings, hospital buildings, schools, residentially zoned properties, and residential dwellings.

Road Repair and Maintenance Agreement: A written agreement between the applicant and the City obligating the applicant to repair damage, excluding ordinary wear and tear, if any, to City streets, including but not limited to bridges, caused by subcontractors or representatives in the performance of drilling or production of any wells authorized by the City or County.

Well. An oil and gas well or an injection well, including but not limited to directional drilling wells (for example, any well hole drilled into the ground excluding water wells). [Ord. No. 677, 7/10/18]

§14-102 PERMIT REQUIREMENT.

A. No oil or gas well site, or additional oil or gas wells, shall be constructed or located within the City unless an administrative permit under this ordinance has been issued by the City to the applicant approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.

B. Each application shall be submitted with the fee established pursuant to resolution of the City as adopted by the City Council. Such fee shall be reasonable related to the cost of administering this Chapter.

Editor’s Note: Current sum is \$7,500.00 per well location.

C. Any modification to an existing and/or permitted oil or gas well site that materially alters the size, location, accessory equipment or structures, shall require a modification of the permit under this ordinance. Like-kind replacements shall not require a permit modification.

D. Except for the regulation of Official Truck Routes and noise from subsequent operations, wells that were permitted and constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this ordinance. Any modification to an existing or permitted oil or gas well site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, shall require compliance with this ordinance.

E. An oil or gas well permit shall not be required for exploration (as defined in this Ordinance) for oil or gas.

F. If an applicant does not conduct said business for a period of one (1) year, the drilling permit shall be null and void. Permits issued under this ordinance shall not be transferable to any other applicant, except by majority vote of the City governing body, and the filing of an application BY the applicant to whom such license is, or may be, transferred or assigned.

G. The Operator shall provide a copy of any “incident reports” or written complaints submitted by the Oklahoma Corporation Commission, Oklahoma Water Resources Board, Oklahoma Department of Health or any other state or federal agency within forty-five (45) days after the Operator has notice of the existence of such reports or complaints for wells located within the City of Blanchard. [Ord. No. 677, 7/10/18; Ord. No. 688, 12/18/18]

§14-103 PERMIT APPLICATION.

The applicant shall provide to the City at the time of permit application:

1. A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled including Corporation Commission permit number(s) for all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known. In addition to the narrative statement, each application shall contain the following:

- The surface owner’s name, address, and phone number.

2. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be

provided to the City and all applicable emergency responders as determined by the City. Such information shall include a phone number where such individual or individuals can be contacted twenty-four (24) hours per day, three-hundred sixty-five (365) days a year. Annually, or upon any change of relevant circumstances, the applicant shall update annually such information and provide it to the City and all applicable emergency responders as determined by the City for each phase of drilling, fracking, production and completion.

3. A scaled site plan of the oil or gas well site showing the limits of drilling pad, access roads and indicating pertinent equipment on the location.

4. A truck route map that clearly defines the proposed driving directions for vehicular entrance and departure from the site. The map shall display the entire route to and from the nearest location on a City of Blanchard truck route, as defined by the City Council by resolution or ordinance, or to the corporate limits of the City of Blanchard, if not entering the City on an approved truck route. The proposed route shall be the most direct path to a City of Blanchard truck route. A less direct path to a City of Blanchard truck route may be proposed based on the following factors:

- a. Road conditions, carrying capacities, road widths, bridge navigation, or other safety related concerns.
- b. Reasonably minimizing impact on local traffic.

5. All Operators using City streets to access well sites outside the City limits, including existing wells, will be required to execute an Agreement in the same manner as applicants within City limits.

6. A statement that the applicant will make the operation's Spill Prevention Control and Countermeasures (SPCC), as required by EPA, to be available to the City and all emergency responders upon request.

7. The applicant shall submit with application a certificate of comprehensive general liability insurance in the amount of no less than one-million (\$1,000,000.00) dollars per occurrence and pollution policy in the amount of no less than one-million (\$1,000,000.00) dollars from a company authorized to do business in the state of Oklahoma shall write the policy. The certificate shall require at least thirty (30) days' notice to the City prior to termination of coverage for any reason.

8. The applicant shall deposit a cash bond in the sum of ten-thousand (\$10,000.00) dollars for each well site for any repair or reconstruction which is required to be made upon any street or other

municipal infrastructure that is damaged as a result of operations or ingress or egress during said operations.

Costs for repairs in excess of \$10,000 shall be reimbursed by the Operator to the City upon submittal of an invoice by the City for such repairs during the operations of the well as specified by a Road Repair and Maintenance Agreement. [Ord. No. 677, 7/10/18]

§14-104 ISSUANCE OF PERMIT.

A. Within seven (7) business days after receipt of a permit application, the City will determine whether the application is complete and advise the applicant accordingly.

B. If the application is complete and fulfills the requirements of this ordinance, the City shall issue a permit within twenty-one calendar (21) days following the date the complete application was submitted.

C. If the application is incomplete or does not fulfill the requirements of this ordinance, the City shall return the application to the applicant. After necessary changes have been made the City shall follow Section 14-104(B) of this section.

D. As a condition of permit approval, applicant shall provide all permits (intent_to drill) and plans (disposal sites) from the Oklahoma Corporation Commission and all other appropriate regulatory agencies within thirty (30) days of receipt of such permits and plans.

E. A legal description of the parcel as determined by the City and information needed to gain access to the well site in the event of an emergency. The City will assign the address upon issuance of permit based on the location of driveway. [Ord. No. 677, 7/10/18]

§14-105 SITE DESIGN AND INSTALLATION.

A. Access.

1. Vehicular access to a natural gas well, oil well or well pad shall be conducted along the "Official Truck Route".

2. Truck travel associated with permitted activities which is not confined within the "Official Truck Route" shall be considered a violation of this Article.

3. The City adopted standards pertaining to minimum traffic sight distances for all access points shall be adhered to. A stabilized construction entrance shall be installed between the site and the access road pursuant to the City's general engineering details.

4. Access directly to State roads from a well site may require an Oklahoma Department of Transportation (ODOT) Driveway Permit pursuant to an ODOT Driveway Agreement. Prior to initiating any work at a drill site, the City shall be provided a copy of any required Approach Permit.

5. Access directly to the City local streets and section line roads shall require a Road Repair and Maintenance Agreement provided by the City prior to initiating any work at well site. The Operator shall comply with any generally applicable permitting requirements for the City roads that are to be used by vehicles for site construction, drilling activities and site operations and shall be the responsible party to insure compliance by all contractors and subcontractors.

6. The Road Repair and Maintenance Agreement shall be signed by the Operator prior to the beginning of seismic testing or to the issuance of a drilling operations permit. The Road Repair and Maintenance Agreement shall cover permitting for any desired use of the City streets, requirements for road revisions such as for safe driveway approaches, and fees and notice regarding damages or obstructions to City streets used. The Operator may also be required to pay for traffic control during times of inordinate traffic disturbances that keep people from accessing their homes and businesses.

7. No Operator shall excavate or construct any lines for the conveyance of fuel, water, oil, oil and gas or petroleum liquids on, under or through the streets, alleys or other properties owned by the City without an easement or right of way permit to include conduit permit from the City, and then only in strict compliance with other City ordinances and all requirements of the City's Public Works Department. A conduit fee of \$250.

8. The Road Repair and Maintenance Agreement shall include a video tape of all proposed public roads utilized to access the site for both pre- and post-drilling conditions.

B. Height.

1. There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, pad drilling and other accessory uses necessary for the actual time period of drilling or re-drilling of an oil or gas well or pad drilling.

C. Setbacks/Location.

1. Oil and gas well bores may be constructed not less than six-hundred sixty (660) feet and tank batteries and gas processing facilities not less than two-hundred fifty (250) feet from an existing occupied structure unless a signed waiver is provided from all affected property owners within the setback distance.

2. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, Operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with City residents' enjoyment of their property and future City development activities as authorized by the City applicable ordinances. Therefore, this section shall not prohibit an Operator and surface owner from agreeing in writing to setback provisions with distances different from those set forth in this section.

D. Screening and Fencing.

1. Upon completion of drilling or re-drilling in residential, commercial or industrial zones, security fencing, acceptable to the landowner and the Operator, and the City shall be installed within thirty (30) days after the completion of the well, at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

2. Security fencing shall be at least six (6) feet in height equipped with lockable gates at every access point and have vehicular openings no less than twenty (20) feet wide, pursuant to the International Fire Code requirements for minimum fire lane access. Additional lockable gates used to access oil and gas well sites by foot may be allowed, as necessary. The Fire Chief shall be provided with a method to access the drill site in the case of an emergency, preferably by use of the Knox system.

3. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. Beginning drilling and through completion stage, clearly visible warning signage must be posted on the pad site.

4. In construction of oil or gas well sites, the natural surrounding should be considered and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible. Re-forestation/re-vegetation of the well site will

be provided by the owner/Operator as required by the State rules governing oil and gas conservation, if applicable or as approved by surface owner.

E. Lighting.

Lighting at the oil or gas well site, either temporary or permanent, shall be directed downward and inward toward the activity, so as to minimize glare on public roads and prevent direct illumination of adjacent properties. Lighting shall be adequate to ensure safety while minimizing the disturbance to adjacent properties.

F. Noise.

Operator shall provide and post 24-hour, 7-days per week contact information to deal with all noise complaints arising from Operator's oil and gas facilities. Operator shall respond to all reasonable complaints regarding noise.

The City recognizes that oil and gas development is accompanied by inherent noise. However, the Operator shall consider, to the extent possible, mitigation of noise resulting from the oil or gas well development.

1. The Operator will be responsible (to include costs) and shall comply with OSHA standards as a safe operating level during permissible daytime levels of 90dB between the hours of 6:00a.m. and 9:00 p.m. and permissible nighttime levels of 70dB between the hours of 9:00 p.m. and 6:00 a.m. using standard equipment or an allowance of an additional 10dB for "short-term" events such as motor malfunctions, etc. not to exceed seventy-two (72) hours.

- a. Noise emitted by any drilling activity shall be measured from the principal building of any of the protected land uses as defined in §14-101.
- b. Noise shall be measured on a sound level meter of standard design and quality having specifications recognized and established by the American National Standards Institute.
 - i. Measurements with sound level meters shall be made when wind velocity at the time and place of the measurement is not more than five (5) miles per hour, or twenty-five miles per hour with a windscreen.
 - ii. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of the sound level measurement.

2. If a drilling permit is issued for any location within five-hundred feet (500') of any existing residence, religious institution, public building, hospital building, school, or residentially zoned property, then a sound proof barrier shall be installed during drilling and completion and any subsequent operations which generate noise levels in excess of 75dB unless a signed waiver is provided from all affected property owners within the setback distance.

G. Dust Control, Vibrations and Odors.

1. To prevent injury or nuisances to persons living and working in the area surrounding the operation site, the Operator shall conduct drilling and production in a manner that minimizes dust, vibrations, or odors, and in accordance with industry best practices for drilling and production of gas and other hydro-carbons.

2. The Operator shall adopt proven technological improvements in industry standards for drilling and production of reducing dust, vibration, and odor.

3. If the City determines that the dust, vibrations, or odors related to the drilling and production use present risk of injury or have become nuisance persons living and working in the area, the City shall require the Operator to adopt reasonable methods for reducing the dust, vibrations, and odors.

H. Floodplain.

A separate floodplain development permit shall be required for any drilling related activities occurring within the floodplain. Drilling, storage, and other constructed or permanent activities shall not be permitted within the floodway. [Ord. No. 677, 7/10/18; Ord. No. 680, 7/24/18]

§14-106 ZONING CLASSIFICATION.

Subject to the provisions of this ordinance:

A. An oil or gas well site shall be considered a permitted use by right within any Zoning District(s), subject to the standards listed herein. [Ord. No. 677, 7/10/18]

§14-107 ANNUAL PERMITS.

Annual permits for the operation, maintenance, cleaning, swabbing and reworking of all completed and operating oil, gas and disposal wells, now existing or hereafter drilled, are hereby required, and shall be issued upon payment of five-hundred (\$500.00) dollars per year and upon the filing of copies

of insurance certificates for ensuing year. Such annual fee shall be paid and proof of insurance coverage filed on the anniversary date of the initial drilling permit, of if no such permit was required or obtained, within sixty (60) days after the effective date hereof. [Ord. No. 677, 7/10/18]

ARTICLE 2

REGULATORY PROVISIONS

§ 14-201 Repealed. [Ord. No. 2003-12, 11/25/03; Ord. No. 677, 7/10/18]

ARTICLE 3

PENALTY

§ 14-301 Penalty.

§ 14-301 **PENALTY.**

Any person, firm or corporation who violates any of the provisions of this chapter shall, upon conviction, be fined in a sum not to exceed the limits established in §8-301 of this code of ordinances. Each day such violation is committed or continues to exist shall constitute a separate offense and be punishable as such. In addition, violation of any of the provisions hereof declared to be a public nuisance shall be a basis for injunction at the suit of the city of Blanchard, Oklahoma, or at the suit of any person, firm or corporation adversely affected thereby. (Ord. No. 2003-12, 11/25/03)

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CHAPTER 15

PLANNING AND COMMUNITY DEVELOPMENT

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- § 15-102 Jurisdiction.
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ARTICLE 1

PLANNING COMMISSION

- § 15-101 Municipal and regional planning commission created.
- § 15-102 Jurisdiction.
- § 15-103 Rules and regulations.
- § 15-104 Employees; expenditures.
- § 15-105 Project review procedures.
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§ 15-101 MUNICIPAL AND REGIONAL PLANNING COMMISSION CREATED.

Ed. Note: see chapter 1, §1-318, this code of ordinances.

§ 15-102 JURISDICTION.

1. The municipal planning commission shall have jurisdiction over all land within the corporate limits of the city of Blanchard, Oklahoma.
2. The jurisdictional area of the regional planning commission shall include, for the purposes of the regulation and review of land subdivision only, any lands outside the corporate limits of the city of Blanchard, Oklahoma, whose any one (1) boundary, at any point, shall be at and within a distance of three (3) miles from the corporate limits of said community; provided, that such jurisdiction shall only include land within McClain County, Oklahoma.

§ 15-103 RULES AND REGULATIONS.

1. The planning commission shall prescribe and adopt rules and regulations governing the transaction of its business, and shall keep a public record of its regulations, transactions and findings.
2. Regular meetings shall be scheduled at least once each month.
3. Special and emergency meetings may be called by the chairman of the planning commission, in accordance with the state's Open Meeting Law.

§ 15-104 EMPLOYEES; EXPENDITURES.

1. The planning commission shall have the authority to contract for necessary professional services, within the limits of any appropriation fixed by the city council; all compensation for such services shall also be fixed by said city council. There is hereby established an expense allowance of ten dollars

(\$10.00) per month for each member of the planning commission, to be reimbursed upon submittal of written proof of use.

2. The planning commission may incur other necessary expenses, within the limits of the city council's appropriation, to carry out its purposes and responsibilities.

§ 15-105 PROJECT REVIEW PROCEDURES.

All projects or matters that fall within the duties and powers of the planning commission (as specified in this code of ordinances), shall be referred to said planning commission for investigation and report, before any final action shall be taken thereon by the city council. If said planning commission fails to make an investigation and report on any matter referred to it within sixty (60) days, or other agreed upon time, the city council may proceed to act upon such matter.

§ 15-106 DUTIES AND POWERS.

1. The planning commission shall prepare from time to time plans for the betterment of the municipality as a place of residence or for business. It may consider and investigate any subject matter tending to the development and betterment of the municipality, and make recommendations as it may deem advisable concerning the adoption thereof, to any department of the municipal government, and for any purpose make, or cause to be made, surveys, maps and/or plans. The commission shall have the power and authority to employ engineers, attorneys, clerks and a secretary, or any other help deemed necessary, subject to the approval of the governing body. The salaries and compensation of any planning commission employees shall be fixed by the governing body and shall be paid out of the municipal treasury as other officers and employees. The necessary expense incurred by the commission shall be appropriated and paid out of the municipal treasury as other legal expenses of the municipality, but in no event may the planning commission be authorized to create a deficiency.

2. Before any final action may be taken by any municipality or department thereof on the location, construction or design of any public building, statue, memorial, park, parkway, boulevard, street, alley, public ground or bridge, or the change in location or grade of any street or alley, the question shall be submitted to the planning commission for investigation and report. Counties and school districts may be exempted from payment of a fee to obtain any license or permit required by zoning, building, or similar ordinance of the municipality.

3. All plans, plats, or re-plats of the land laid out in lots or blocks, and streets, alleys or other portions of the same, intended to be dedicated to public or private use, within the corporate limits of a municipality, shall first be

submitted to the municipal planning commission for its approval or rejection. Before said plans, plats or re-plats shall be entitled to be recorded in the office of the county clerk, they shall be approved by the municipal governing body. It shall be unlawful to offer or cause to be recorded any such plan, plat or re-plat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the governing body. Any plat filed without the endorsement approval of the governing body of the municipality shall not impart notice nor impose any obligation or duties on the municipality. The disapproval of any such plan, plat or re-plat by the municipal governing body shall be deemed a refusal of the proposed dedication shown thereon.

4. The municipal planning commission will exercise jurisdiction over subdivision of land and adopt regulations governing the subdivision of land within its jurisdiction. Any such regulations, before they become effective, shall be approved by the municipal governing body and shall be published as provided by law for the publication of ordinances. Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water, sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to approval of the plat. In lieu of the completion of any improvements or utilities prior to final approval of the plat, the commission may accept as adequate bond with surety, satisfactory to the commission, to secure for the municipality the actual construction and installation of improvements or utilities at the time and according to specifications fixed by, or in accordance with, the regulations of the commission, further conditioned that the developer will pay for all material and labor relating to the construction of the improvements. The city may enforce said bond by all appropriate legal and equitable remedies. Nothing in this section shall be construed as granting to any municipality or planning commission the power to direct any public utility to extend its services to any particular area.

5. A municipality which contains larger areas of rural land not served by water and sewer facilities by the municipality shall authorize the use of private roadways in either platted or unplatted areas and shall issue building permits to property owners whose property is abutting upon the private roadways, without complying with standards as provided for dedicated streets, subject to the following conditions.

- a. The private roadway easement shall be at least fifty (50) feet in width;
- b. The property abutting the private roadway shall contain not less than two (2) acres;
- c. The property shall be more than one-fourth (1/4) mile from sewer and water facilities furnished by the municipality;

- d. The private roadway shall not be dedicated to the public, but reserved for future dedication and, until such future dedication, shall be the private roadway of the owners of the abutting property;
- e. The private roadway shall be maintained by the owners of the property within the subdivision;
- f. The municipality shall have no responsibility for the maintenance or repair of the private roadway;
- g. If the property is platted, there shall be emblemized on the face of the plat, clear conspicuous notice that the streets and drives have not been dedicated to the public and that the streets shall be maintained by the private property owners within the subdivision. Said streets shall always be open to the police, fire, and other official vehicles of all state, federal, county and municipal agencies;
- h. Every deed shall clearly acknowledge that the roadway is private and not maintained by the municipality;
- i. Prior to the sale of any parcel of land in the subdivision, a conspicuous sign shall be posted at the entrance to the subdivision – “Private roadway not maintained by the city of Blanchard”. At any time after the municipality permits the use of said private roadway, a petition of the owners, of at least sixty percent (60%) of the area of the land, to improve and dedicate the street shall bind all of the owners thereby to permanently improve the street or roadway in compliance with the requirements of the municipality; and
- j. The planning commission may require the developer of such property to reserve appropriate utility easements for water, sewer, and any other utility installations as may be required for present and future development.

6. As the regional planning commission, the members of the municipal planning commission shall have jurisdiction over a regional district which shall be construed to mean any land outside the incorporated limits of the city of Blanchard whose any one boundary, at any point, shall be within a distance of three (3) miles from the incorporated limits of the city.

The regional planning commission shall prepare, from time to time, plans for the systematic development and betterment of the regional district for residence, manufacturing, or business purposes. It will consider and investigate any subject matter tending to the development and betterment of such regional

district and make recommendations as it may deem advisable concerning the adoption thereof to any department of the city or county government, and for any purpose make or cause to be made surveys, maps or plans. The commission shall have the authority to employ attorneys, engineers, clerks and a secretary and to pay for their services, and to pay for such other expenses as the commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as a member of the commission. It shall be lawful for the board of county commissioners to appropriate money for expenses of such regional planning commission. (Ord. No. 1990-11, 12/11/90)

ARTICLE 2

ZONING

- § 15-201 Municipality's power to zone.
- § 15-202 Relationship of zoning to the adopted comprehensive plan.
- § 15-203 Planning commission to be zoning commission.
- § 15-204 Zoning and land use control ordinance adopted by reference.
- § 15-205 Zoning board of adjustment.

§ 15-201 MUNICIPALITY'S POWER TO ZONE.

1. For the purpose of promoting the health, safety and welfare of all citizens of the community, the city council is empowered to regulate and restrict the height, number of stories and size of structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density of population and the location and use of structures and land.

2. For any of the above purposes, the city council may divide the municipality into zoning districts of such number, shape and area as may be deemed most beneficial to the community. Within such zoning districts, the erection, construction, reconstruction, alteration, repair or use of structures or land may be regulated. All such regulations shall be uniform throughout each district, but the regulations in any zoning district may differ from those in other districts.

§ 15-202 RELATIONSHIP OF ZONING TO THE ADOPTED COMPREHENSIVE PLAN.

Any zoning ordinance adopted by the city council shall be made subsequent to the preparation of, and in accordance with, the community's comprehensive plan, which plan shall be adopted by resolution of said city council.

§ 15-203 PLANNG COMMISSION TO BE ZONING COMMISSION.

To avail itself of the powers of state law, the municipal planning commission is hereby designated as the zoning commission of the city of Blanchard, Oklahoma.

§ 15-204 ZONING AND LAND USE CONTROL ORDINANCE ADOPTED BY REFERENCE.

The zoning and land use control ordinance (Ordinance #97-05) replacing the previous zoning ordinance (#1991-04) passed and adopted August 12, 1997, and made effective September 12, 1997, by the mayor and city council, is officially designated and cited as the zoning and land use control ordinance of the city of Blanchard, Oklahoma, three (3) copies of which are on file in the office of the city clerk-treasurer. These Regulations are continued in full force and effect as if printed in full herein.

Ed. Note: It is codified into this code as chapter 21.

§ 15-205 ZONING BOARD OF ADJUSTMENT.

Editor's Note: see chapter 1, §1-319 of this code of ordinances.

ARTICLE 3

SUBDIVISION OF LAND

§ 15-301 Subdivision review process.

§ 15-302 Subdivision regulations adopted by reference.

§ 15-301 SUBDIVISION REVIEW PROCESS.

1. All subdivision plats, or re-plats of land laid out in plats or lots, and the streets, alleys or other portions of the same intended to be dedicated to public or private use, located within the jurisdictional area of either the municipal or regional planning commission, shall first be submitted to said planning commission for its review.

2. If the subdivision plat or re-plat is located within the corporate limits of the city of Blanchard, Oklahoma, final approval, prior to the filing of said plat or re-plat with the McClain County clerk, shall be obtained from the city council of Blanchard, Oklahoma.

3. If the subdivision plat or re-plat is located within the jurisdictional area of the regional planning commission, but outside of the corporate boundaries of the city of Blanchard, Oklahoma, approval of the regional planning

commission shall be obtained prior to the filing of said plat or re-plat with the McClain County clerk.

4. In reviewing subdivision plats or re-plats, the planning commission and the city council shall utilize the definitions, procedures and design and improvement standards in the “subdivision regulations” adopted by and for the city of Blanchard, Oklahoma, or the appropriate jurisdictional area and entity.

§ 15-302 SUBDIVISION REGULATIONS ADOPTED BY REFERENCE.

Subdivision regulations passed, adopted and made effective by ordinance numbers 1987-01, dated April 7, 1987 and 1998-08, dated November 15, 1998, by the mayor and city council are officially designated and cited as the subdivision ordinance of the city of Blanchard, Oklahoma, three (3) copies of which are on file in the office of the city clerk-treasurer. These regulations are continued in full force and effect as if printed in full herein. It is codified into this code as chapter 22.

ARTICLE 4

FLOOD DAMAGE PREVENTION

DIVISION 1

IN GENERAL

- § 15-401 Statutory authorization.
- § 15-402 Findings of fact.
- § 15-403 Statement of purpose.
- § 15-404 Methods of reducing flood losses.

§ 15-401 STATUTORY AUTHORIZATION.

The legislature of the state of Oklahoma has in 82 O.S. §§1601-1618, as amended, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of Blanchard, Oklahoma does ordain as follows. (Ord. No. 2005-10, 5/24/05)

§ 15-402 FINDINGS OF FACT.

1. The flood hazard areas of the city of Blanchard, Oklahoma, are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage. (Ord. No. 2005-10, 5/24/05)

§ 15-403 STATEMENT OF PURPOSE.

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water, and gas mains, electric, telephone, and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area. (Ord. No. 2005-10, 5/24/05)

§ 15-404 METHODS OF REDUCING FLOOD LOSSES.

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

1. Restrict or prohibit uses that are dangerous to health, safety or property in the times of flood, or in case of excessive increase in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

4. Control filling, grading, dredging, and other development which may increase flood damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. (Ord. No. 2005-10, 5/24/05)

DIVISION 2

DEFINITIONS

§ 15-411 Definitions.

§ 15-411 DEFINITIONS.

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

1. “*Accessory structure*” means structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

2. “*Alluvial Fan Flooding*” means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, deposition; and unpredictable flow paths.

3. “*Apex*” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

4. “*Appeal*” means a request for a review of the flood plain administrator's interpretation of this section or a request for a variance.

5. “*Area of shallow flooding*” means a designated AO or AH Zone in a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

6. “*Area of special flood hazard*” is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones, A, AE, AH, AO, A1-99, VO, V1-30 or V.

7. “*Base flood*” means the flood having a one percent chance of being equaled or exceeded in any given year.

8. “*Base flood elevation*” means the flood having a one percent chance of being equaled or exceeded in any given year.

9. “*Basement*” means any area of the building have its floor sub-grade (below ground level) on all sides.

10. “*Board*” means the Oklahoma Water Resource Board.

11. “*Critical feature*” means an integral and readily identifiably part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

12. “*Development*” means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

13. “*Elevated building*” means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns, (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In case of Zones A1-30, AE, A, A99, AH, B, C, X and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters, in the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of §60.3(E) (5) of the National Flood Insurance Program Regulations.

14. “*Existing construction*” means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective

date of the FIRM or before January 1, 1975, for FIRMS effective before that date. "Existing construction" may also be referred to as "existing structures".

15. “*Existing manufactured home park or subdivision*” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

16. “*Expansion to an existing manufactured home park or subdivision*” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

17. “*Flood or flooding*” means a general and temporary condition or partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters;
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

18. “*Flood Insurance Rate Map (FIRM)*” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

19. “*Flood insurance study*” is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map (FIRM and FBFM).

20. “*Floodplain administrator*” means a person accredited by the board and designed by a floodplain board, to administer and implement laws and regulations relating to the management of the floodplains.

21. “*Flood plain or flood-prone area*” means any land area susceptible to being inundated by water from any source (see definition of flooding).

22. “*Flood plain management*” means the operation of an overall program of corrective and preventive measures for reducing flood damage,

including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

23. “*Flood plain management regulations*” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

24. “*Flood protection system*” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

25. “*Flood proofing*” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

26. “*Floodway (regulatory floodway)*” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

27. “*Functionally dependent use*” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo and passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

28. “*Highest adjacent grade*” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

29. “*Historical structure*” means any structure that is:

- a. Listed individually in the national Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior or;
 - 2) Directly by the Secretary of the Interior in states without approved programs.

30. “*Levee*” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

31. “*Levee system*” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

32. “*Lowest floor*” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of §60.3 of the National Flood Insurance Program regulations.

33. “*Manufactured home*” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

34. “*Manufactured home park or subdivision*” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

35. “*Mean sea level*” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations are shown on a community's flood insurance rate map are referenced.

36. “*New construction*” means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any subsequent improvements to such structures.

37. “*New manufactured home park or subdivision*” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minim, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of flood plain management regulations adopted by a community.

38. “*Recreational vehicle*” means a vehicle which is:

- a. built on a single chassis;
- b. four-hundred (400) square feet or less when measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

38. “*Start of construction*” (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within one-hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

39. “*Structure*” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

40. “*Substantial damage*” means of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

41. “*Substantial improvement*” means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work preformed. The term does not, however, include either:

- a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- b. any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

42. “*Variance*” is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction, or development in a manner otherwise prohibited by this ordinance.

Ed. Note: for full requirements see §60.6 of the National Flood Insurance Program Regulations.

43. “*Violations*” means the failure of a structure or other developments to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

44. “*Water surface elevation*” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Ord. No. 2005-10, 5/24/05)

DIVISION 3

GENERAL PROVISIONS

- § 15-421 Lands to which this ordinance applies.
- § 15-422 Basis for establishing the areas of special flood hazard.
- § 15-423 Establishment of development permit.
- § 15-424 Compliance.
- § 15-425 Abrogation and greater restrictions.
- § 15-426 Interpretation.
- § 15-427 Warning and disclaimer of liability.

§ 15-421 LANDS TO WHICH THIS ORDINANCE APPLIES.

The article shall apply to all areas of special flood hazard with the jurisdiction of the city of Blanchard. (Ord. No. 2005-10, 5/24/05)

§ 15-422 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

A. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled, "The Flood Insurance Study for McClain County, Oklahoma and Incorporated Areas" dated November 16, 2007, with the accompanying Flood Insurance Rate Maps (FIRM) are hereby adopted by reference and declared to be a part of these regulations and applicable to all property within the corporate limits of the city of Blanchard, Oklahoma, laying within McClain County, Oklahoma; and

B. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled, "The Flood Insurance Study for Grady County, Oklahoma and Incorporated Areas" dated April 3, 2012, with the accompanying Flood Insurance Rate Map (FIRM) with an effective date of April 3, 2012, provided that the current

set of adopted and approved floodplain management regulations and current FIRM dated July 19, 2005, shall be used until April 3, 2012, and such FIRM is declared to be a part of these regulations and applicable to all property located within the corporate limits of the city of Blanchard, Oklahoma, laying within Grady County, Oklahoma. (Ord. No. 2005-10, 5/24/05; Ord. No. 2012-02, 3/9/12)

§ 15-423 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required to ensure conformance with the provisions of this article. (Ord. No. 2005-10, 5/24/05)

§ 15-424 COMPLIANCE.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. (Ord. No. 2005-10, 5/24/05)

§ 15-425 ABROGATION AND GREATER RESTRICTIONS.

This article is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another set of regulations or ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 2005-10, 5/24/05)

§ 15-426 INTERPRETATION.

In the interpretation and application of this section, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. No. 2005-10, 5/24/05)

§ 15-427 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural cause. These regulations do not imply to that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the community, or any official or employee

thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder. (Ord. No. 2005-10, 5/24/05)

DIVISION 4

ADMINISTRATION

- § 15-431 Designation of the floodplain administrator.
- § 15-432 Duties and responsibilities of the floodplain administrator.
- § 15-433 Permit procedures.
- § 15-434 Variance procedure.

§ 15-431 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The city manager is designated by the city council of the city of Blanchard to be the floodplain administrator to administer and implement the provisions of these regulations and other appropriate sections of 44 C.F.R. (National Flood Insurance Program Regulations) pertaining to floodplain management. (Ord. No. 2005-10, 5/24/05)

§ 15-432 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATION.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this article.
2. Review permit application to determine whether proposed building site will be reasonably safe from flooding;
3. Review, approve or deny all applications for development permits required by adoption of this article;
4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including §404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
5. When interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the state coordination agency which is the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with §15-201, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of division 5.

9. When a regulatory has not been designated the floodplain administrator must require that no new constructions, substantial improvements, or other developments (including fill) shall be permitted within zones A1-30 and are on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. Under the provisions of 44 CFR Chapter 1, §65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

11. Become accredited by the board in accordance with Title 82 O.S. §§1601-1618, as amended.

12. After a disaster or other type of damage occurrence to structures in the city of Blanchard determines if the residential and non-residential structures and manufactured homes have been substantially damaged and enforce the substantial improvement requirement. (Ord. No. 2005-10, 5/24/05)

§ 15-433 PERMIT PROCEDURES.

1. Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location dimensions, and elevation of proposed landscape alterations, existing, and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- a. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
- b. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
- c. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of division 5, §15-442(2);
- d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- e. Maintain a record of all such information in accordance with Division 4, §15-432.1.

2. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- a. The danger of life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- g. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;

- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j. The relationship of the proposed use to the comprehensive plan for that area. (Ord. No. 2005-10, 5/24/05)

§ 15-434 VARIANCE PROCEDURE.

1. The appeal board as established by the community shall hear and render judgment on requests for variances from the requirements of these regulations.

2. The appeal board shall hear and render judgment on an appeal only when it is alleged is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of these regulations.

3. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

4. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state Inventory of Historical Places, without regard to the procedures set forth in the remainder of these regulations and ordinances.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in §15-433.2 of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this section, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of §15-403.

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and

the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b. Variances shall only be issued upon:
 - 1) showing a good and sufficient cause;
 - 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public, or conflict with existing local laws or ordinances.
- c. A written notice will be provided to any person granted a variance to build a structure below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduction of a functionally dependent use provided that:

- a. the criteria outlined in division 4, §15-434 (1)-(9) are met; and
- b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

12. Any person seeking a variance shall file a petition with the floodplain board, accompanied by a filing fee of twenty-five dollars (\$25.00).

- a. A copy of any variance issued shall be sent to the OWRB within fifteen (15) days of issuance.

DIVISION 5

PROVISIONS FOR FLOOD HAZARDS REDUCTION

- § 15-441 General standards.
- § 15-442 Specific standards.
- § 15-443 Standards for subdivision proposals.
- § 15-444 Standards for areas of shallow flooding (AO/AH zones).
- § 15-445 Floodways.

§ 15-441 GENERAL STANDARDS.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters into the system; and,
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. No. 2005-10, 5/24/05)

§ 15-442 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) division 3, §15-422, (ii) division 4, §15-432(8), or (iii) division 5, §15-443(4), the following provisions are required:

1. Residential construction--new construction and substantial improvements of any residential structure shall have the lowest floor§ (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in article of the subsection as proposed in division 4, §15-45(1)A., is satisfied.

2. Nonresidential construction--new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated two (2) feet above the base flood level.

3. Enclosures--new construction and substantial improvements, with fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood force on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria;

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured homes.

- a. Require that all manufactured homes to be placed within zone A on the city of Blanchard FIRM is elevated two (2) feet above the base flood elevation and shall be installed using methods and practices, which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may

include, but are not limited to; use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- b. Require that manufactured homes are placed or substantially improved with zones A1-30, AH, and AE on the community's FIRM on sites
 - 1) outside of a manufactured home park or subdivision;
 - 2) in a new manufactured home park or subdivision;
 - 3) in an expansion to an existing manufactured home park or subdivision; or
 - 4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be placed on a permanent foundation so that the lowest floor of the manufactured home is elevated two (2) feet above the base flood elevation and be securely anchored to a foundation system to resist flotation, collapse and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph 4 of this section be elevated so that the lowest floor of the manufactured home is two (2) feet above the base flood elevation, is supported by reinforced piers or other foundation elements of at least equivalent strength and is securely anchored to foundation system to resist flotation, collapse and lateral movement.
5. Recreational vehicles - Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:
- a. Be on the site for fewer than one-hundred eighty (180) consecutive days,
 - b. Be fully licensed and ready for highway use, or
 - c. Meet the permit requirements of division 4, §15-433(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph 4 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to

the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Special requirements for drilling oil and gas wells in a special flood hazard area (SFHA):

- a. Base flood elevation determination: for areas designated as zone AE on the Flood Insurance Rate Map (FIRM) base flood elevations (BFE) are provided and usually a floodway is mapped. For areas designated as Zone A on the FIRM only a floodplain boundary is provided and the applicant must provide a BFE based on an acceptable method of determination.
- b. Floodways: if the drilling site is in the floodway portion of the floodplain, the applicant will have to demonstrate through an engineering study that there will be no increase in flood stages during the discharge of the one (1) percent chance caused by the development. No earthen slush pits (as defined in the Blanchard Code of Ordinances' Oil and Gas Drilling Regulations at §14-101(7)) will be allowed as stated by the City of Blanchard's Code of Ordinances' Oil and Gas Drilling Regulations at §14-201.
- c. Buildings and other structures: any buildings and other structures (including fuel storage tanks) in the floodplain will either have to be elevated to or above the BFE or floodproofed (made watertight) to that elevation. Any electrical and mechanical equipment must be elevated or flood proofed to the BFE. Any storage tanks and any equipment at the site that could be damaged by floodwaters will have to be elevated above the BFE or made watertight and anchored to resist floatation, collapse and lateral movement. A registered engineer will have to certify the design of the floodproofing measures. The drill site pad and road to the well do not need to be elevated, but should not obstruct the natural flow of water. The drilling operation shall comply with all other local, state and federal requirements prior to the issuance of a floodplain development permit. All new or replacement flowlines, pipelines, etc., that will cross rivers, streams, creeks, and channels, shall be bored to be below the bed. The depth below the bed shall be a minimum of ten (10) feet. The pipe used for the crossing shall be one pipe grade higher, or have a wall thickness twice the thickness of the standard pipe used for the flowline, pipeline, etc. If the flowline, pipeline, etc., becomes exposed, the crossing must be rebored. The ground surface shall not be disturbed within fifty (50) feet of the river, stream, creek or channel banks. (Ord. No. 2005-10, 5/24/05; Ord. No. 600, 2/25/14)

§ 15-443 STANDARDS FOR SUBDIVISION PROPOSALS.

1. All subdivision proposals including manufactured home parks and subdivisions shall be consistent with this division 1, §§15-402, 15-403 and 15-404 of these regulations.

2. All proposals for the development of subdivisions including manufactured home parks and subdivision shall meet development permit requirements of division 3, §15-423; Division 4, §15-433; and the provisions of division 5.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to division 3, §15-422 or division 4, §15-432(8) of this article.

4. All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage. (Ord. No. 2005-10, 5/24/05)

§ 15-444 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).

Located within the areas of special flood hazard established in division 3, §15-422, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow: therefore, the following provisions apply;

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

2. All new construction and substantial improvements of nonresidential structures together with attendant utility facilities have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

3. Registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this division 4, as proposed in §15-433, are satisfied.

4. Require within zones AH, or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures. (Ord. No. 2005-10, 5/24/05)

§ 15-445 FLOODWAYS.

Floodways – located within areas of special flood hazard established in division 3, §15-422, are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If §15-445.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division 5.

3. Under the provisions of 44 CFR Chapter 1, §65.12 of the National Flood Insurance Regulations, a community may permit encroachments with the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA. (Ord. No. 2005-10, 5/24/05)

DIVISION 6

PENALTY

§ 15-451 Penalties for noncompliance.

§ 15-451 PENALTIES FOR NONCOMPLIANCE.

No structure or land shall be hereinafter constructed, located, extended, converted, or altered without full compliance with the terms of these regulations or ordinance and other applicable regulations. Violation of the provisions of these regulations or ordinances by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates these

regulations or ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five-hundred (\$500.00) plus court costs and penalty assessments, for each violation, and in addition shall pay all the costs and expenses involved in the case. Nothing herein contained shall prevent the city of Blanchard officials from taking such other lawful actions as may be necessary to prevent or remedy any violation. (Ord. No. 2005-10, 5/24/05)

Ed. Note: see chapter 1, §1-319, and Chapter 4, §§4-201 and 4-401, this code of ordinances.

ARTICLE 5

PENALTY

§ 15-501 Penalty.

§ 15-501 PENALTY.

Except as hereinabove provided, any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not exceeding the limits established in §8-301 of this code of ordinances. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 16

PUBLIC FACILITIES AND UTILITIES

ARTICLE 1

MUNICIPAL UTILITY SYSTEMS

- § 16-101 Municipal utility systems.
- § 16-102 Use of water, sewer and solid waste systems.
- § 16-103 Operation of municipal utility systems.

ARTICLE 2

MUNICIPAL WATER SYSTEM

- § 16-201 Water connections.
- § 16-202 Mandatory use of municipal water system. (Ord. No. 1989-02).
- § 16-203 Tampering with or injuring municipal water system.
- § 16-204 Water rates, fees and charges.
- § 16-205 Unlawful to furnish additional families or premises.
- § 16-206 Separate service connections may be required.
- § 16-207 Restrictions on use of water.
- § 16-208 Right reserved to shut off water.
- § 16-209 Waste of water prohibited.
- § 16-210 Meters; installation; ownership; testing.
- § 16-211 City may require security.
- § 16-212 Inspection; access.
- § 16-213 Reservoir protected.

ARTICLE 3

MUNICIPAL SEWER SYSTEM

- § 16-301 Use of municipal sewer system; sewer taps. (Ord. No. 1991-04).
- § 16-302 Mandatory sewer connections.
- § 16-303 Private sewage disposal facilities.
- § 16-304 Sewer user charge.
- § 16-305 Collection and disposition of funds.
- § 16-306 Installation of backflow prevention devices.

ARTICLE 4

SOLIDE WASTE COLLECTION AND DISPOSAL SYSTEM

- § 16-401 Collection and disposal declared to be a municipal function.

- § 16-402 Purpose.
- § 16-403 Definitions.
- § 16-404 Accumulation a nuisance; containers.
- § 16-405 Burning of solid waste.
- § 16-406 Charges for solid waste collection and disposition. (Ord. No. 1990-09)
- § 16-407 Prohibition of use of dumpsters.

ARTICLE 5

PARK AND RECREATIONAL FACILITIES

- § 16-501 Application of article.
- § 16-502 Traffic restrictions.
- § 16-503 Advertising.
- § 16-504 Property; injury.
- § 16-505 Bicycles.
- § 16-506 Disorderly conduct.
- § 16-507 Attaching wires.
- § 16-508 Firearms and fireworks.
- § 16-509 Speed.
- § 16-510 Dogs prohibited.

ARTICLE 6

CEMETERY

- § 16-601 Municipal cemetery operated by Blanchard Cemetery Association, Inc.

ARTICLE 7

MUNICIPAL LIBRARY SYSTEM

- § 16-701 Blanchard located within a multi-county library district.
- § 16-702 Blanchard public library.
- § 16-703 Duties of multi-county library.

ARTICLE 8

WASTEWATER TREATMENT SYSTEM

- § 16-801 Definition of terms.
- § 16-802 Reimbursement of assessment paid by city.
- § 16-803 Permit and inspection required for sewer connection.
- § 16-804 Connections to collectors only.

- § 16-805 Connections to mains or interceptors.
- § 16-806 Sewer costs for private developments.
- § 16-807 Connection to public sewer required.
- § 16-808 Connections with storm sewers or natural outlets.
- § 16-809 Prohibited discharges.
- § 16-810 Industrial and harmful wastes prohibited in sanitary sewers.
- § 16-811 Industrial wastes; handling of harmful wastes.
- § 16-812 Permit required for industrial connections.
- § 16-813 Information and cooperation of industrial users.
- § 16-814 Grease, oil and sand interceptors; exception.
- § 16-815 Control manhole; meters.
- § 16-816 Conditions for industrial user permits.
- § 16-817 Issuance and renewal of industrial user permits.
- § 16-818 Measurements, tests and analyses of wastes.
- § 16-819 Notice to cease violations.
- § 16-820 Damage caused by prohibited discharge.
- § 16-821 Request for reconsideration.
- § 16-822 Falsifying of information.
- § 16-823 Requirements for design and construction of sewer lines.
- § 16-824 Connecting sewers outside city limits to comply with city standards.
- § 16-825 Sanitary sewer connection plans to be submitted to the city.
- § 16-826 Contract to provide for maintenance of sewer.
- § 16-827 Engineering and inspection fees for sewer construction.
- § 16-828 Inspection by the city.
- § 16-829 Filing of original tracings of sewer plans.
- § 16-830 City not liable for sewer maintenance outside city boundaries.
- § 16-831 Sewer subject to regulations.
- § 16-832 Other municipalities' use of the Blanchard sanitary sewer system.
- § 16-833 Sewer connections outside city.
- § 16-834 Sewer service charge.
- § 16-835 Charges for extraneous flows.
- § 16-836 Annual review of sewer user charge rates.
- § 16-837 Record-keeping of sewer user charges.
- § 16-838 Annual notification of user charges.
- § 16-839 Billings; water re-sales.
- § 16-840 Billing for sewer service.
- § 16-841 Date of payment.
- § 16-842 Water deposits.
- § 16-843 Penalty for failure to pay.
- § 16-844 Inconsistent agreements.
- § 16-845 Surcharge for industrial users.

ARTICLE 9

MISCELLANEOUS PROVISIONS

- § 16-901 Turning on utilities.
- § 16-902 No service connection until bills have been paid; cut-offs.
- § 16-903 Customers to keep service pipes in good repair.
- § 16-904 City not responsible for utility interruption.
- § 16-905 Municipal personnel may inspect private premises.
- § 16-906 Interference with fire hydrants; damage of utility system.
- § 16-907 Construction cost reimbursement for certain utility trunk lines, water towers, lift stations and other utility system improvements.

ARTICLE 10

PENALTY

- § 16-1001 Penalty; failure to pay utility bills.

ARTICLE 1

MUNICIPAL UTILITY SYSTEMS

- § 16-101 Municipal utility systems.
- § 16-102 Use of water, sewer and solid waste systems.
- § 16-103 Operation of municipal utility systems.

§ 16-101 MUNICIPAL UTILITY SYSTEMS.

1. The city of Blanchard, Oklahoma, provides water, sewer and solid waste services for the residents of said municipality.

2. Water, sewer and solid waste services are operated through the Blanchard Municipal Improvement Authority (BMIA), a municipal trust of which said city is the beneficiary; said trust shall have control over the operation, maintenance and administration of said municipal systems and services.

§ 16-102 USE OF WATER, SEWER AND SOLID WASTE SYSTEMS.

Every residential inhabitant within the corporate limits of the city of Blanchard, Oklahoma, and every commercial or business entity or enterprise who may practically do so, shall secure all of its potable water requirements from the water system owned by said city and leased to the Blanchard Municipal Improvement Authority, connect to the sanitary sewer system owned by said city and leased to said authority, and not otherwise dispose of sewage, unless it is impossible or not feasible to do so, and utilize and pay for the solid waste collection and disposal system, unless it is inconsistent to do so in accordance with the policies of said authority and other applicable requirements of this code of ordinances.

§ 16-103 OPERATION OF MUNICIPAL UTILITY SYSTEMS.

1. The operations of the municipal water, sewer and solid waste systems shall be the responsibility of the Blanchard Municipal Improvement Authority; said authority shall have the power to establish fees, rates, deposits, charges and such other rules and regulations as may be necessary for the efficient operation of these systems.

2. In order to ensure the effective use of municipal enforcement mechanisms in the operations of the water, sewer and solid waste systems by said authority, the city council may, by ordinance, enable and/or ratify the actions of said authority, to include fees, rates and other operational policies.

3. Administrative processes for all municipal systems may be combined for more efficient operation, at the discretion of the city council and the Blanchard Municipal Improvement Authority board.

4. Municipal ordinances relating to these municipal utility systems shall be applicable, whenever possible, to all utility systems, including those operated by the Blanchard Municipal Improvement Authority.

ARTICLE 2

MUNICIPAL WATER SYSTEM

- § 16-201 Water connections.
- § 16-202 Mandatory use of municipal water system. (Ord. No. 1989-02)
- § 16-203 Tampering with or injuring municipal water system.
- § 16-204 Water rates, fees and charges.
- § 16-205 Unlawful to furnish additional families or premises.
- § 16-206 Separate service connections may be required.
- § 16-207 Restrictions on use of water.
- § 16-208 Right reserved to shut off water.
- § 16-209 Waste of water prohibited.
- § 16-210 Meters; installation; ownership; testing.
- § 16-211 City may require security.
- § 16-212 Inspection; access.
- § 16-213 Reservoir protected.

§ 16-201 WATER CONNECTIONS.

It shall be unlawful for any person, firm or corporation to make a connection to the municipal water system without first complying with all applicable provisions of this code of ordinances and all requirements of the Blanchard Municipal Improvement Authority.

§ 16-202 MANDATORY USE OF MUNICIPAL WATER SYSTEM.

1. The owners of all houses, buildings or properties used for human occupancy, employment, education, recreating or other purposes, situated within the city of Blanchard, Oklahoma, and abutting on any street, alley or right of way in which there is now located, or may in the future be located, a municipal water line, are hereby required, at their expense, to connect their facility with the property municipal water line (in accordance with all municipal requirements) and pay all municipal fees and use charges therefore, within one hundred and twenty (120) days after the date of official municipal notice to do so; provided, that, the municipal water line is within three-hundred (300) feet of the property line.

2. It shall be hereinafter unlawful for any person to maintain or establish a private water well to serve a facility, unless he shall first be connected to the municipal water system and pay the monthly water fees and charges; provided, that, he meets all the requirements for mandatory hook-up established in sub§ 1 (above).

3. No unauthorized person shall make any connections with any municipal water line without first having made application to the city clerk, and without first having paid the established fee. Said application shall include his or her name, description of lot, block and addition, the official number of the house on the premises in which water is desired, and shall state fully all the purposes for which the water is to be used, the number of families to be supplied and the number of meters to be installed. At the time of filing such application, the applicant shall pay to the city clerk, and take receipt therefor, the fee for the tap fee for the installation of water service as follows:

a. ¾ inch water tap:

Meter fee	\$ 170.00
Inspection fee	\$ 50.00
Installation fee	\$ 180.00
Mileage fee for locations Out of city limits (if applicable)	\$ 100.00

b. 1 inch water tap:

Meter fee	\$ 290.00
Inspection fee	\$ 50.00
Installation fee	\$ 180.00
Mileage fee for locations Out of city limits (if applicable)	\$ 100.00

In the event that the municipality is unable to install the meter within three (3) weeks of the acceptance of the application and fees, the applicant may schedule installation through a licensed, bonded plumbing contractor. In such case, the municipality will make the inspection, and refund the installation fee.

c. Fees for all other size water taps shall be assessed by the city manager, subject to engineering fees, fees of the Department of Environmental Quality of the state of Oklahoma, actual costs of installation, and all other fees and expenses involved in making the tap.

4. Where a municipal water line does not lie within three-hundred (300) feet of the property line, or is not scheduled to be placed within three-hundred (300) feet of the property line in the near future (1-5 years), an individual may utilize or establish a private water well without connection to the municipal water system and, therefore, without payment of the municipal water system fees and charges.

5. The requirements of this section shall not apply to persons currently being served directly by an existing rural water district.

6. Except for replacement taps, any person requesting municipal water service from the city of Blanchard or any trust which has as its sole beneficiary, the city of Blanchard, shall pay, at the time of such request, in addition to all other fees, a water utility initiation fee for municipal water service in the amount of six-hundred dollars (\$600.00). Said fee shall be payable to the Blanchard Municipal Improvement Authority and shall be collected on behalf of the Blanchard Municipal Improvement Authority for capital improvement use unless such fee is collected on behalf of a third party who is entitled to recoupment pursuant to the ordinances of the city of Blanchard and/or an agreement between the third party and the Blanchard Municipal Improvement Authority." (Ord. No. 1989-02, 8/8/89; Ord. 1993-04; 8/10/93; Ord. No. 1997-01, 4/8/97; Ord. No. 2004-03, 2/10/04)

§ 16-203 TAMPERING WITH OR INJURING MUNICIPAL WATER SYSTEM.

It shall be unlawful for any person to injure or deface, or in any way tamper with, any portion of the municipal water system, or to turn the water off or on from any main at any time or place, unless he is duly authorized so to do by the Blanchard Municipal Improvement Authority.

§ 16-204 WATER RATES, FEES AND CHARGES.

1. RATES:

- a. The governing body of the Blanchard Municipal Improvement Authority shall have the power to establish and adjust resident water rates and other fees, including deposits, by resolution, for connections to and use of the municipal water system.
- b. The governing body of the Blanchard Municipal Improvement Authority shall have the power to establish and adjust non-resident water rates and other fees, including deposits, by resolution, for connections to and use of the municipal water system.
- c. *Heavy seasonal customer rate.* Delivery of water to heavy seasonal customers shall be pursuant to a written contract establishing a

monthly minimum number of gallons that the customer must purchase each month. The charge for the monthly minimum amount of water contracted for shall be based upon the resident or non-resident rate depending upon whether the water is metered at a point inside or outside the municipal limits of the city of Blanchard. In any month that the heavy seasonal customer uses more than two-hundred percent (200%) of the monthly minimum number of gallons contracted for, the rate for all water taken in excess of two-hundred percent (200%) of the monthly minimum amount of water contracted for by the heavy seasonal customer shall be one and one-half (1½) times the regular rate. For purposes of this section, the term heavy seasonal customer is defined as a customer whose water usage may fluctuate based upon seasonal considerations and who uses more than four-hundred thousand (400,000) gallons of water in any month. The written contract shall provide for adequate deposits or sureties in a minimum amount equivalent to two (2) billing cycles and may provide for prepayment of anticipated water usage and meter readings and billing cycles more frequently than monthly.

- d. *Wholesale municipal customer rate.* Delivery of wholesale water to municipal customers shall be pursuant to a written contract establishing a monthly minimum number of gallons that the municipal customer must purchase each month. The charge for the monthly minimum amount of water contracted for shall be based upon the Resident rate. In any month that the municipal customer uses more than two-hundred percent (200%) of the monthly minimum number of gallons contracted for, the rate for all water taken in excess of two-hundred percent (200%) of the monthly minimum amount of water contracted for by the municipal customer shall be one and one-half (1½) times the regular rate. For purposes of this section, the term municipal customer is defined as a customer who owns and operates a public water supply and uses water purchased from the city of Blanchard as its sole supplier or as a supplemental supplier. The written contract shall provide for adequate deposits or sureties in a minimum amount equivalent to two (2) billing cycles and may provide for prepayment of anticipated water usage and meter readings and billing cycles more frequently than monthly.
- e. *Easement Donors.* Non-resident customers of the Blanchard Municipal Improvement Authority who donated easement and right of way to the city of Blanchard and the Blanchard Municipal Improvement Authority in conjunction with the 1996/1997 water system expansion project in return for resident rates are entitled to avail themselves of resident rates set forth above, provided that those non-resident customers who qualify for the resident rates shall receive said rate only

for those water taps and meters established pursuant to the written contract between the non-resident property owner and the Blanchard Municipal Improvement Authority executed in conjunction with the 1996/1997 water system expansion project. All additional taps and meters wherever located shall be subject to the non-resident rate schedule so long as the property upon which the meter is located is not within the corporate limits of the city of Blanchard.

2. Non-resident customers who qualify for the water service pursuant to the schedule provided in subparagraph 1(A) of this section shall receive said rate only for those water taps and meters established pursuant to the written contract between the non-resident property owner and the Blanchard Municipal Improvement Authority executed in conjunction with the 1996/1997 water system expansion project. All additional taps and meters wherever located shall be subject to the non-resident rate schedule so long as the property upon which the meter is located is not within the Municipal limits of the city of Blanchard.

3. Deposits for water meters/service shall be:

- a. Residential service (except rentals) \$30.00
- b. Rental residential service \$75.00
- c. Commercial service (except “D”,
“E” and “F” below) \$50.00
- d. Commercial service (users of
30,000 to 50,000 gallons of
water a month) \$100.00
- e. Commercial service (users of over 50,000 gallons of water a month
two times anticipated monthly usage
- f. Restaurants & multi-family
residential service. \$100.00
- g. Single family residential deposits may be waived by the city clerk
upon request of the new customer when the city is provided a written
guaranty from an existing home owning customer of the Blanchard
Municipal Improvement Authority with a good payment history.
- h. At the option of the City Clerk, paragraphs A through G above may
require a supplementary service agreement providing for additional
deposits or letters of credit.

4. Water service payments shall be due on the 1st of the month following billing; notices shall be sent and service disconnected if overdue amounts are not paid by the 15th of the month in which they become due. A fee of twenty-five dollars (\$25.00) will be charged for re-connections. Whenever the owner or occupant of any premises connected with the municipal water system desires to discontinue the use of water, he shall notify the city clerk-treasurer in writing, and thereupon the city clerk-treasurer shall arrange to disconnect the premises concerning which notice of discontinuance has been given. Any person desiring to transfer water service from the city, from his present location to another location within the city, shall be required to pay to the city five dollars (\$5.00) for the transfer. Should service be disconnected by reason of failure to pay a water bill or bills, the city shall receive a twenty-five dollar (\$25.00) fee for making a re-connection. It shall be unlawful for any owner of the premises connected with the municipal water system to disconnect the water on said premises unless he shall have first filed a written request that the service of water to said premises be discontinued, and shall pay all arrearages on water rates on said premises. When the water has been shut off from any premises upon application of the owner or occupant of the premises, for nonpayment of water charges or for any other cause, it shall be unlawful for any person to again connect such premises with water, except upon application to, and by authority of, the authorized municipal and/or authority representative. All water rates will be charged against the premises for which the service is installed. All charges for water, when the same becomes delinquent and unpaid, shall be a lien against the premises to which the same has been furnished. In case any charge shall become a lien against any premises, the water shall be cut off until such charges are paid. All accounts for water shall be kept against the number of the premises and the property described for which the service was installed; provided, that, any tenant and any person holding property under lease may be supplied with water on their own account when proper application is made, and in such cases, the city shall require such deposit of money with the city clerk-treasurer as shall be necessary to protect the city against any and all delinquent or unpaid charges for water or for other charges on account of such service. All water for building or construction purposes shall be charged against the property upon which it is used and the owner thereof, and all delinquent and unpaid charges therefor shall become a lien upon the premises supplied and be collected in the manner as other delinquent and unpaid charges for water. (Ord. 1993-04; 8/10/93; Ord. No. 1996-01, 12/10/97; Ord. No. 2000-10, 6/20/00; Ord. No. 2004-04, 2/10/04; Ord. No. 2006-27, 9/12/06; Ord. No. 2006-31, 10/10/06; 2008-04, 5/27/08; Ord. No. 2011-04, 12/13/11)

§ 16-205 UNLAWFUL TO FURNISH ADDITIONAL FAMILIES OR PREMISES.

It shall be unlawful for any person whose premises are supplied with water to install additional fixtures on said premises, or to apply the water to purposes other than those for which the original application was made, or to furnish water

to additional families or premises unless he shall first make application and receive permission in the same manner as provided for on original application.

§ 16-206 SEPARATE SERVICE CONNECTIONS MAY BE REQUIRED.

When separate houses, buildings or premises are supplied with water through one service connection with the city mains, the city may decline to furnish water until separate services are provided or the service is metered; in case any one of the owners or occupants become delinquent and violates any of the provisions of this article, the city shall shut off the original or main service until all charges are paid. All provisions of this article shall be enforced and the premises supplied by the main service shall be held responsible for all delinquent charges and all violations of the requirements of this article against anyone or all of the separate owners of users. No change of ownership shall affect the application of this section.

§ 16-207 RESTRICTIONS ON USE OF WATER.

Whenever, in the discretion of the city and/or the authority, it is necessary to conserve the water supply, the use of water for sprinkling or irrigating lawns, gardens, flowerbeds, plants, trees, shrubs or parking strips, or for hosing windows, woodwork, porches, steps or walks may be restricted to certain designated hours, to be set out in a published notice, or may be prohibited entirely; provided, that, such notice, prescribing hours within which the water may be used for the purposes aforesaid may be had or for prohibiting the use of water as aforesaid shall be given by publishing notice thereof in at least one issue of any newspaper published within the city of Blanchard, Oklahoma, at least twenty-four (24) hours before the time of taking effect of said order.

§ 16-208 RIGHT RESERVED TO SHUT OFF WATER.

The city and/or the authority reserve the right, at all times, without notice, to shut off the municipal water system for repairs, extensions, nonpayment of rates, or any other reason; the city shall not be responsible for any stoppages or interruptions of water supply or for any other damage resulting from the shutting off of water.

§ 16-209 WASTE OF WATER PROHIBITED.

It shall be unlawful for any person to waste water, or allow it to be wasted, from imperfect or leaking stops, valves, pipes, closets, faucets or other fixtures, or to use water closets without self-closing valves, or to use the water for purposes other than those named in the original application upon which water rates are based, or to use it in violation of any provision of this article.

§ 16-210 METERS; INSTALLATION; OWNERSHIP; TESTING.

1. The city and the authority are hereby authorized and directed to install a meter on the service of every person using municipal water.

2. The city will keep in good repair, at its own expense, all water meters of its own installation, except where meters have been damaged by carelessness or wrong-doing of the user, when the same shall be repaired and charged against said consumer.

3. Any person receiving water through a meter supplied by the city, who desires to have the accuracy of the same tested, may do so by making a deposit of ten dollars (\$10.00) with the city clerk-treasurer. The utilities superintendent will bring the meter in for testing and if, after proper test, it is found to be incorrect more than two percent (2%) in favor of the city, the deposit of ten dollars (\$10.00) will be returned to the consumer and correction made only for that month for which the bill was rendered. If however, the meter is found to be correct, then the deposit shall become the property of the City and paid to the credit of the water fund. In case of a meter failing to register, the monthly water charges due the city shall be determined by an average of the three (3) previous months that the meter registered. In all cases where the consumer's piping or plumbing is divided, necessitating the use of two (2) meters, each meter shall be handled and regarded as for separate and distinct consumers, to each of which will apply the regular water rates and minimum charges until such plumbing or piping is so arranged as to permit the use of one meter. Under no circumstances shall this consumption, shown by two (2) or more meters in use by the same consumer, be added or "lumped" in order to reduce the net sum due the city.

§ 16-211 CITY MAY REQUIRE SECURITY.

The office of the city clerk-treasurer may require payment in advance or satisfactory security for water furnished to any person or premises; if such payment be not made or security furnished, the city may refuse service and the water shall be shut off from the premises.

§ 16-212 INSPECTION; ACCESS.

1. Inspectors, foremen and employees of the city and the authority whose duty it is to enter upon private premises to make inspections of the water lines or to read meters will be provided with a badge or other proper credentials to identify them as authorized agents of the water department.

2. Any authorized employee of the city shall, upon presentation of these credentials, have free access at all reasonable hours to any premises

supplied with city water for the purpose of making inspections of the water supply upon said premises.

§ 16-213 RESERVOIR PROTECTED.

It shall be unlawful for any person to bathe in, or to throw any substance into any reservoir, or place any foreign substance upon any grounds belonging to, connected with, or under the control of, the city of Blanchard, Oklahoma. In order to protect the health and welfare of the citizens of the city of Blanchard, Oklahoma, from and after the effective date of this code of ordinances, the quantity of fluoride in the public water supply shall be controlled in such a manner that the amount present in the water served to the public shall be in conformity with the policy, and subsequent changes thereto, established by the Oklahoma State Department of Health.

ARTICLE 3

MUNICIPAL SEWER SYSTEM

- § 16-301 Use of municipal sewer system; sewer taps.
- § 16-302 Mandatory sewer connections.
- § 16-303 Private sewage disposal facilities.
- § 16-304 Sewer user charge.
- § 16-305 Collection and disposition of funds.
- § 16-306 Installation of backflow prevention devices.

§ 16-301 USE OF MUNICIPAL SEWER SYSTEM; SEWER TAPS.

1. It shall be unlawful for any person, firm or corporation to make any connection to the municipal sewer system without first complying with all applicable provisions of this code of ordinances and all requirements of the Blanchard Municipal Improvement Authority.

2. It shall be unlawful to allow any surface water to overflow from any cistern, reservoir or receptacle to any connection of the municipal sewer system of the city of Blanchard, Oklahoma.

3. It shall be an offense for any person to throw or place any can, metallic substance or other solid material or trash into any sewer, manhole or catch basin.

4. All taps made to the municipal sewer system shall be done by the utilities superintendent. No other person shall be authorized to make such a tap except in the event of the indisposition of said superintendent. In the event of the indisposition of the superintendent, he may give written authorization to a recognized plumber to make such a tap.

5. Before any tap to the municipal sewer system shall be made, any person or company desiring said tap shall make a written application to the city clerk-treasurer for a permit to be issued by said city clerk-treasurer for such a tap. Said permit shall cost twenty-five dollars (\$25.00) to cover the cost of authorizing said tap to the municipal sewer system.

6. Except for replacement taps, any person requesting municipal sewer service from the city of Blanchard or any trust which has such city as its sole beneficiary shall pay at the time of such request, in addition to all other fees, a sewer utilities initiation fee for municipal service in the amount of six-hundred dollars (\$600.00). Such fee shall be payable to the Blanchard Municipal Improvement Authority for capital improvement use unless such fee is collected on behalf of a third party who is entitled to recoupment pursuant to this code and/or an agreement between the third party and the Blanchard Municipal Improvement Authority. (Ord. No. 1991, 3/12/91; Ord. No. 2004-03, 2/10/04; Ord. No. 2004-06, 4/13/06; Ord. No. 2006-24, 8/8/06)

§ 16-302 MANDATORY SEWER CONNECTIONS.

1. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the city of Blanchard, Oklahoma, and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the city, are hereby required, at their own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within one hundred and twenty (120) days after the date of official municipal notice to do so; provided, that, such public sewer is within three-hundred (300) feet of the property line.

2. Said notice (above) shall be served by any designated agent of the city 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. In the event of a continuous violation of this section by any property owner, the city may discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made.

§ 16-303 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, privy vault, septic tank,

cesspool or other facility intended to be used for the disposal of sewage, within the corporate limits of the city of Blanchard, Oklahoma.

2. Where a connection to a public sanitary sewer line is not required under the provisions of §16-41, a private septic tank or cesspool facility for sewage disposal may be constructed and maintained, provided it is constructed and maintained under the rules and regulations of the local and county health officer, and in compliance with the recommendations and requirements of the Oklahoma State Department of Health. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

3. The owners of private septic tanks or cesspools shall operate and maintain the same in a sanitary manner at all times, at no expense to the city, and no statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the local, county or state health offices.

4. At such times 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 §16-302, and the septic tank or cesspool shall immediately be abandoned and filled with suitable material.

§ 16-304 SEWER USER CHARGE.

1. Each respective customer of the sanitary sewer system of the city of Blanchard, Oklahoma shall pay a monthly sewer user charge, as determined by this section.

2. The said sewer user charge shall be based upon the quantity of water used or consumed at the premises or facility where the customer's service is established and as said water is measured by the water meter or meters in use.

3. The governing body of the Blanchard Municipal Improvement Authority shall have the power to establish and adjust the residential sewer charges and fees, including deposits, by resolution, for connections to and use of the municipal sewer system.

4. The governing body of the Blanchard Municipal Improvement Authority shall have the power to establish and adjust the non-residential sewer charges and fees, including deposits, by resolution, for connections to and use of the municipal sewer system.

5. The city does not obligate itself to furnish municipal sanitary sewer service to the owner or occupant of any property or premises, but will furnish such service as is commercially reasonable and financially feasible and within the financial ability of the city to do so.

6. Water used from private sources shall be metered and the sewer user charge may be billed accordingly.

7. In the event a lot, parcel of land, premise or facility discharging sewage, industrial waste, water or other liquid either directly or indirectly into the municipal sewer system, or which ultimately enters said sewer system, is supplied either in whole or in part with water from wells or any other sources of supply, it shall be registered with the city water department on or before November 1, 1985. If the water from said wells or other supply is not measured by a water meter, the city may furnish, install and maintain at their expense, a meter on said supplies in such a location and in such a manner as is satisfactory to the municipal water department. These meters shall serve as a control for the establishment of the sewer service charge and shall be read monthly by the Municipal meter readers. If, in the opinion of the public works director, the installation of a meter for a residential user would be impractical, or upon request for or denial of meter placement, residential water consumption will be estimated at one-hundred (100) gallons per person, per day, per household. (Ord. No. 1993-05, 8/10/93; Ord. No. 2007-14, 10/9/07; Ord. No. 2008-03, 5/27/08; Ord. No. 2009-03, 3/24/09; Ord. No. 2011-04, 12/13/11)

§ 16-305 COLLECTION AND DISPOSITION OF FUND.

1. The fee for the use of the municipal sanitary sewer system shall be billed to each user monthly, along with the bill for water and other services, and the city is directed not to accept payment of the water bill unless such payment is accompanied by the sewer fee.

2. All monthly sewer charges for the mobile or manufactured home, or travel trailer park, shall be based on the maximum home or travel trailer capacity of the park. The park operator shall, by the 10th of each month, notify the city clerk-treasurer of the maximum number of spaces in use at any one time during the previous month. The city clerk-treasurer shall then adjust the sewer charge to the actual use of the park. If the park operator fails to notify the city clerk-treasurer of said usage level by the 10th of each month, the city clerk-treasurer shall bill on the basis of the maximum capacity of the park.

3. The funds derived from such fees shall be deposited in the appropriate Blanchard Municipal Improvement Authority (BMIA) account, to be used for the upkeep, maintenance, extension and repair of the municipal sewer system.

§ 16-306 INSTALLATION OF BACKFLOW PREVENTION DEVICES.

1. All businesses and residences are required to install a backflow prevention device to all newly constructed or replaced sanitary sewer lines connected to the city of Blanchard sewer collection system in such a manner as to prevent wastewater from being able to backup into the premises from which it originated.

2. For the purposes of this ordinance, a "backflow prevention device" shall mean a city of Blanchard approved, commercially manufactured, mechanically engineered fitting, which shall prevent wastewater from being able to backup into the premises from which it originated. (Ord. No. 2008-02, 5/13/08)

ARTICLE 4

SOLID WASTE COLLECTION AND DISPOSAL SYSTEM

- § 16-401 Collection and disposal declared to be a municipal function.
- § 16-402 Purpose.
- § 16-403 Definitions.
- § 16-404 Accumulation a nuisance; containers.
- § 16-405 Burning of solid waste.
- § 16-406 Charges for solid waste collection and disposition.
- § 16-407 Prohibition of use of dumpsters.

§ 16-401 COLLECTION AND DISPOSAL DECLARED TO BE A MUNICIPAL FUNCTION.

1. The collection and disposal of garbage, trash and refuse and other solid waste is hereby declared to be a municipal function of the city of Blanchard, Oklahoma, as a protection of the public health; the police powers of said city shall be invoked when necessary for the enforcement of this chapter. In addition, the city of Blanchard, Oklahoma, acting through the Blanchard Municipal Improvement Authority (BMIA), may collect and dispose of refuse, as it deems necessary; provided, that, such disposal shall be an approved method of incineration (not open burning) or by landfill and daily cover. The collection and/or disposal of refuse may be performed by the Blanchard Municipal Improvement Authority or the Blanchard Municipal Improvement Authority may contract with third parties to provide said collection and/or disposal. In either event, the service provided or contracted for by the Blanchard Municipal Improvement Authority is hereby designated as the "city's collection and disposal service."

2. The city of Blanchard, Oklahoma, acting through the Blanchard Municipal Improvement Authority (BMIA), shall have the authority to establish or terminate waste collection routes within the city limits. All persons, businesses or companies on an established route must use the solid waste collection and disposal service of said city exclusively. The city and the Blanchard Municipal Improvement Authority (BMIA) may grant an exception to said exclusivity requirements, if it is determined to be in the best interest of the city to do so.

3. No commercial entity or private individual, except those contracting with the Blanchard Municipal Improvement Authority, will be allowed to initiate

new solid waste, trash or garbage services to anyone on the established garbage route drawn up by the city of Blanchard, Oklahoma, and implemented through the Blanchard Municipal Improvement Authority (BMIA), provided however, any service in existence at the time of the effective date of this ordinance may be allowed to continue at its present level of service to its current customers until such time that it is voluntarily discontinued by the provider. No existing service furnished by a commercial entity or private individual may be enlarged or expanded in any respect. (Ord. No. 2002-5, 6/25/02)

§ 16-402 PURPOSE.

It is the purpose of this article and it is hereby declared to be the policy of the city of Blanchard, Oklahoma, pursuant to the authority of the Oklahoma Solid Waste Management Act (Title 63 O.S. 1981, §2251-2265, inclusive and as amended), to regulate the collection and disposal of solid wastes in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources, and enhance and preserve the beauty and quality of the community's environment.

§ 16-403 DEFINITIONS.

1. *Refuse.* The word "refuse" shall mean tree trimmings, junked building and roofing materials, manufacturing waste, rocks, dirt and other waste material not defined as "solid waste" or "trash".

2. *Solid waste.* The term "solid waste" shall include all putrescible and nonputrescible refuse in sold or semi-solid form, including, but not limited to, garbage, refuse, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semi-solid commercial and industrial wastes and hazardous wastes (including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes).

3. *Solid waste management system.* The term "solid waste management system" shall mean the entire process of storage, collection, transportation, processing and burying solid wastes at or in a site approved by the Oklahoma State Department of Health.

4. *Trash.* The word "trash" shall mean 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 city.

§ 16-404 ACCUMULATION A NUISANCE; CONTAINERS.

1. It shall be unlawful for any person in charge of any lot or piece of ground to allow solid waste to accumulate thereon, so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood or any inhabitant thereof. Any such condition is hereby declared a violation of this article and punishable as such, and in addition is declared to be a nuisance and may be abated as such.

2. Any person constructing or remodeling any structure within the city of Blanchard, Oklahoma, shall, prior to construction on any premises, open an account with the Blanchard Municipal Improvement Authority for the placement of 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 container shall be used by the person concerned, at all times, to keep the premises from becoming unsightly with solid waste, and shall always be kept covered. The size, shape and nature of the container shall be approved by the Blanchard Municipal Improvement Authority and the Blanchard Municipal Improvement Authority may mandate that the container be of a specific nature furnished by the Blanchard Municipal Improvement Authority or any third party provider that contracts with the Blanchard Municipal Improvement Authority, at the expense of the person constructing or remodeling said structure.

3. Any person who fails to keep the premises, on which any structure is being built or installed, free from solid waste and who allows said waste to blow or be carried from the premises to adjoining or other property or into the streets, shall be deemed guilty of causing a nuisance and shall be subject to the penalties in this code of ordinances prescribed therefore. (Ord. No. 2002-5, 6/25/02)

§ 16-405 BURNING OF SOLID WASTE.

1. It shall be an offense for any person to start or maintain any fire or cause any fire to be started or maintained for the purpose of burning unlawfully or incinerating any solid waste.

2. It shall be an offense to construct or install, within any building in the city of Blanchard, Oklahoma, an unlawful incinerator designed to burn solid waste.

§ 16-406 CHARGE FOR SOLID WASTE COLLECTION AND DISPOSITION.

1. For the purpose of supporting the operation of the Blanchard Municipal Improvement Authority's Solid Waste Management System, pursuant to the authority of the Oklahoma Solid Waste Management Act, there is hereby levied and assessed rates and charges against every owner, occupant or person

in charge of any dwelling unit, business, motel, hotel, boarding house, industrial or institutional user unit within or without the city limits as they currently exist, or as they might from time to time be changed according to law.

2. The governing body of the Blanchard Municipal Improvement Authority shall have the power to establish and adjust the rates, charges and fees, including deposits, by resolution, for use of the municipal solid waste collection system. (Ord. No. 1990-09, 8/14/90; Ord. No. 1993-03, 8/10/93; Ord. No. 1995-01, 1/10/95; Ord. No. 2000-09, 6/20/00; Ord. No. 2002-5, 6/25/02; Ord. No. 2002-08, 7/2/02; Ord. No. 2008-05, 5/27/08; Ord. No. 2011-04, 12/13/11)

§ 16-407 USE OF DUMPSTERS PROHIBITED BY NON-AUTHORIZED PERSONS OR ENTITIES.

No person whose name does not appear on the billing register of the Blanchard Municipal Improvement Authority Solid Waste Collection and Disposal System authorized to utilize any specific dumpster in the city of Blanchard, Oklahoma, may dump or otherwise dispose of garbage or other refuse in any dumpster without obtaining express permission to do so in a specific dumpster or dumpsters. (Ord. No. 1994-02, 2/8/94)

ARTICLE 5

PARK AND RECREATIONAL FACILITIES

- § 16-501 Application of article.
- § 16-502 Traffic restrictions.
- § 16-503 Advertising.
- § 16-504 Property; injury.
- § 16-505 Bicycles.
- § 16-506 Disorderly conduct.
- § 16-507 Attaching wires.
- § 16-508 Firearms and fireworks.
- § 16-509 Speed.
- § 16-510 Dogs prohibited.

§ 16-501 APPLICATION OF ARTICLE.

All places heretofore owned by the city and used as parks for public purposes and places which may hereafter be acquired and/or set aside for public park purposes are hereby declared to be municipal parks within the meaning of this article, and are subject to all rules, regulations and provisions set out in this article.

§ 16-502 TRAFFIC RESTRICTIONS.

No wagon, cart, truck or other vehicle carrying goods, merchandise, waste or other materials, except such as are to be used in repairing, constructing or servicing public parks or parts thereof, shall be allowed to enter or be taken into any public park of the city of Blanchard, Oklahoma.

§ 16-503 ADVERTISING.

No person shall advertise in any manner or distribute or hand out any circulars, handbills or posters of any kind or of any commodity or other thing in any public park. It shall be unlawful to affix any circulars, handbills or posters of any kind on any tree, lamppost, hydrant, curbstone, sidewalk, coping, fence, wall, building or other place in any public park or on any street, avenue or alley or other public grounds under the supervision of the city of Blanchard, Oklahoma. No person shall drive any animal or vehicle displaying or advertising any merchandise of any kind in or through any public park in said city or under its supervision.

§ 16-504 PROPERTY; INJURY.

1. No person shall cut, break or in any way injure or deface any of the trees, shrubs, plants, turf, grass, lamppost, fences, bridges, buildings or other property in or upon any park.

2. No person shall write upon, mark, deface, injure in any manner or use improperly any water closet, bench, building, fence or other property in any public park.

§ 16-505 BICYCLES.

No person shall ride or drive any bicycle, tricycle or motorcycle in any public park, except upon appropriate driveways thereof; when passing another vehicle or equestrian from the rear to the front, such person shall pass to the left side and at a moderate rate of speed. Bicycles, tricycles and motorcycles shall not be allowed to travel more than two (2) abreast.

§ 16-506 DISORDERLY CONDUCT.

No person shall be guilty of disorderly, unchaste or lewd conduct or make, aid or assist in making any disorderly noise, riot or breach of peace within the limits of any public park belonging to the city of Blanchard, Oklahoma.

§ 16-507 ATTACHING WIRES.

1. No person shall, without written permission from the city manager, attach any electric wire, insulator or other device of any character to any tree, plant or structure in any park.

2. No person shall establish, erect or maintain any telegraph wires, telephone wires, or electric light and power wires or construction for the support of the same in, through or across any public park, except with the written permission of the city manager.

§ 16-508 FIREARMS AND FIREWORKS.

No person shall discharge firearms or fireworks in any public park.

§ 16-509 SPEED.

No person shall drive or ride at a greater rate of speed than fifteen (15) miles per hour within any public park.

§ 16-510 DOGS PROHIBITED.

It shall be unlawful and is hereby declared to be a nuisance, for any person to permit a dog to run at large in any public park of the city of Blanchard, Oklahoma; all such dogs shall be taken up, impounded and disposed of as provided by ordinance. In addition thereto, the person permitting such dog in or to run at large in such public park, shall be deemed guilty of an offense against the ordinances of the city of Blanchard, Oklahoma, and shall be fined for violation thereof in any sum not exceeding the amounts established in §8-301 of this code of ordinances.

ARTICLE 6

CEMETERY

§ 16-601 Municipal Cemetery Operated by Blanchard Cemetery Association, Inc.

§ 16-601 MUNICIPAL CEMETERY OPERATED BY BLANCHARD CEMETERY ASSOCIATION, INC.

The mayor, city manager, city clerk-treasurer and employees of the city of Blanchard, Oklahoma, are hereby notified that all records, funds and materials used in connection with the operation and management of the Blanchard municipal cemetery have been delivered to officers of the Blanchard Cemetery Association, Inc., an Oklahoma corporation. All records, funds and materials

delivered to the Blanchard Cemetery Association, Inc., shall be receipted for and all said receipts should be retained by the city of Blanchard, Oklahoma. As of December 1, 1985, and from that date forward, the city of Blanchard, Oklahoma, has had no duty, control, liability, responsibility or interest in the operation or function of the Blanchard cemetery.

ARTICLE 7

MUNICIPAL LIBRARY SYSTEM

- § 16-701 Blanchard located within a multi-county library district.
- § 16-702 Blanchard public library.
- § 16-703 Duties of multi-county library.

§ 16-701 BLANCHARD LOCATED WITHIN A MULTI-COUNTY LIBRARY DISTRICT.

1. The city of Blanchard, McClain County, Oklahoma, is located within a district to be served by a multi-county library system, established and created under the laws of the state of Oklahoma, in accordance with the Oklahoma Library Code.

2. In order to form such a multi-county library district, the governing boards of McClain, Cleveland and Pottawatomie Counties, or any combination thereof, have passed a resolution and each city of two-thousand (2000) population or more, according to the latest federal census, has enacted an ordinance creating such multi-county library district; the governing boards of each of said counties submitted to the residents of each county a proposition for a vote of the people for a library levy, according to Article X, §10A, Oklahoma Constitution.

3. The governing body of this library district shall consist of one member appointed by the governing body of each city of two-thousand (2,000) population or more, according to the latest federal census, and at least one member appointed by the board of county commissioners of each county.

4. The city of Blanchard, McClain County, Oklahoma, jointly with other cities and counties concerned, hereby creates a library district to include any combination of two (2) or more of the following counties: McClain, Cleveland and Pottawatomie, and agrees to the appointment of one person to represent the city of Blanchard, Oklahoma, on the multi-county library board; provided, that, additional counties may be added to the district upon their application to the Oklahoma Department of Libraries Board.

§ 16-702 BLANCHARD PUBLIC LIBRARY.

1. The city of Blanchard, McClain County, Oklahoma, is the owner of the Blanchard public library and operates it for the benefit of the people of the city of Blanchard, Oklahoma.

2. The Blanchard public library is incorporated into the multi-county library in accordance with the provisions of the Oklahoma Library Code; the city of Blanchard, Oklahoma, will provide supportive services for the library quarters and maintain an operating budget until a two-mill library levy is passed or rejected by the voters of the county in an election called for that purpose, under the provisions of Article X, §10A of the Oklahoma Constitution.

§ 16-703 DUTIES OF MULTI-COUNTY LIBRARY.

The multi-county library shall assume the responsibility of improving the Blanchard Public Library by supplementing the operating budget with personnel, books, films, equipment and other library materials and services, with the understanding that after a successful vote of a library levy, the multi-county library will assume financial support of the Blanchard public library, except that the city of Blanchard, Oklahoma, will continue to maintain suitable quarters for the library and provide supportive services for the library quarters and may from time to time, at its option, appropriate funds for the operation and/or improvement of said Blanchard, Oklahoma, public library.

ARTICLE 8

WASTEWATER TREATMENT SYSTEM

- § 16-801 Definition of terms.
- § 16-802 Reimbursement of assessment paid by city.
- § 16-803 Permit and inspection required for sewer connection.
- § 16-804 Connections to collectors only.
- § 16-805 Connections to mains or interceptors.
- § 16-806 Sewer costs for private developments.
- § 16-807 Connection to public sewer required.
- § 16-808 Connections with storm sewers or natural outlets.
- § 16-809 Prohibited discharges.
- § 16-810 Industrial and harmful wastes prohibited in sanitary sewers.
- § 16-811 Industrial wastes; handling of harmful wastes.
- § 16-812 Permit required for industrial connections.
- § 16-813 Information and cooperation of industrial users.
- § 16-814 Grease, oil and sand interceptors; exception
- § 16-815 Control manhole; meters.
- § 16-816 Conditions for industrial user permits.
- § 16-817 Issuance and renewal of industrial user permits.

- § 16-818 Measurements, tests and analyses of wastes.
- § 16-819 Notice to cease violations.
- § 16-820 Damage caused by prohibited discharge.
- § 16-821 Request for reconsideration.
- § 16-822 Falsifying of information.
- § 16-823 Requirements for design and construction of sewer lines.
- § 16-824 Connecting sewers outside city limits to comply with city standards.
- § 16-825 Sanitary sewer connection plans to be submitted to the city.
- § 16-826 Contract to provide for maintenance of sewer.
- § 16-827 Engineering and inspection fees for sewer construction.
- § 16-828 Inspection by the city.
- § 16-829 Filing of original tracings of sewer plans.
- § 16-830 City not liable for sewer maintenance outside city boundaries.
- § 16-831 Sewer subject to regulations.
- § 16-832 Other municipalities' use of the Blanchard sanitary sewer system.
- § 16-833 Sewer connections outside city.
- § 16-834 Sewer service charge.
- § 16-835 Charges for extraneous flows.
- § 16-836 Annual review of sewer user charge rates.
- § 16-837 Record-keeping of sewer user charges.
- § 16-838 Annual notification of user charges.
- § 16-839 Billings; water re-sales.
- § 16-840 Billing for sewer service.
- § 16-841 Date of payment.
- § 16-842 Water deposits.
- § 16-843 Penalty for failure to pay.
- § 16-844 Inconsistent agreements.
- § 16-845 Surcharge for industrial users.

§ 16-801 DEFINITIONS OF TERMS.

1. *Biochemical oxygen demand (BOD)*. The term “biochemical oxygen demand (BOD)” shall mean the quantity of oxygen by weight, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade. The laboratory determination of BOD shall be made in accordance with procedures set forth in “standard analysis methods”.

2. *City*. The word “city” shall mean the city of Blanchard, Oklahoma, or any authorized person acting in its behalf.

3. *Chemical oxygen demand (COD)*. The term “chemical oxygen demand (COD)” shall mean a measure of the oxygen consuming capacity, expressed in milligrams per liter (mg/l), of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical

oxidant in a specific test. It does not necessarily correlate with biochemical oxygen demand (BOD). The laboratory determination of COD shall be made in accordance with procedures set forth in “standard analysis methods”.

4. *Collector*. The word “collector” shall mean a small diameter primary wastewater collector line for serving abutting properties.

5. *Control manhole*. The term “control manhole” shall mean a manhole giving access to a sewer line at some point before the sewer discharge mixes with other discharges in the public sewer.

6. *Domestic wastewater*. The term “domestic wastewater” shall mean water-borne wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes.

7. *Garbage*. The word “garbage” shall mean solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, processing, storage and sale of food products and produce.

8. *Industrial cost recovery*. The term “industrial cost recovery” shall mean the city’s recovery from the industrial users of the sanitary sewer system of the grant amount allocable to the treatment of waste from such users.

9. *Industrial cost recovery charge*. The term “industrial cost recovery charge” shall mean the charge, made on those persons who discharge industrial wastes into the city’s sanitary sewer system, for purposes of paying back their share of the federal grant allocable for providing capacity to treat such industrial wastes.

10. *Industrial cost recovery period*. The term “industrial cost recovery period” shall mean the period during which the grant amount allocable to the treatment of the wastes from industrial users is recovered from the industrial users of the sanitary sewer system. The industrial cost recovery period shall be thirty (30) years, or the useful life of the treatment works, whichever is less.

11. *Industrial user*. The term “industrial user” shall mean any non-governmental, non-residential user of a publicly-owned sanitary sewer system which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day of normal domestic wastewater and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A. Agriculture, Forestry and Fishing.

Division B. Mining

Division D. Manufacturing.

Division E. Transportation, Communications, Electric, Gas and Sanitary Services.

Division I. Services.

12. *Industrial user permit.* The term “industrial user permit” shall mean the permit issued by the city to the industrial user for purposes of discharging industrial wastes into the sanitary sewer system.

13. *Industrial waste.* The term “industrial waste” shall mean water-borne solids, liquids or gaseous wastes resulting from and discharged, permitted to flow, or escaping from, any process of industry, manufacturing, trade or business from the development of any natural resource, or any mixture of these with water or domestic wastewater, or distinct from Blanchard domestic wastewater.

14. *Interceptor.* The word “interceptor” shall mean a medium-diameter sewer line which carries wastewater from collectors to a main.

15. *Main.* The word “main” shall mean a medium-to-large-diameter sewer line which carries wastewater from interceptors to the wastewater treatment plant.

16. *Milligrams per liter (mg/l).* The term “milligrams per liter (mg/l)” shall mean a weight-to-volume ratio; the milligram per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

17. *Natural outlet.* The term “natural outlet” shall mean any outlet into a watercourse, ditch, lake or other body of surface or groundwater.

18. *Normal domestic wastewater.* The term “normal domestic wastewater” shall mean normal wastewater for the city of Blanchard, Oklahoma, in which the average concentration of suspended solids is established at two-hundred (200) milligrams per liter (mg/l); the average concentration of five (5) day BOD is established at two-hundred (200) milligrams per liter (mg/l); and the average concentration of oil and grease is established at one-hundred (100) milligrams per liter (mg/l).

19. *Oil and grease.* The term “oil and grease” shall mean all oils and greases found in normal domestic wastewater, excluding petroleum oil and grease.

20. *Operation and maintenance (O & M).* The term “operation and maintenance (O & M)” shall mean the expenditure incurred while following normal operating procedures for the treatment of wastewater, including expenditures incurred for the purpose of maintenance and replacement over the useful life of the wastewater treatment plant.

21. *Overload.* The word “overload” shall mean the imposition of organic or hydraulic loading on a treatment facility, in excess of its engineered design capacity.

22. *Person.* The word “person” shall mean any and all persons, including any individual, firm, company, industry, municipal or private corporation, association, governmental agency or other entity, and agents, servants or employees.

23. *Petroleum oil and grease.* The term “petroleum oil and grease” shall mean any oil and grease found in industrial waste originating from the exploration, production or refinement of petroleum resources.

24. *pH.* The term “pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration, expressed in moles per liter.

25. *Private wastewater disposal facility.* The term “private wastewater disposal facility” shall mean a wastewater treatment facility owned, operated and maintained by a person other than the city of Blanchard, Oklahoma.

26. *Properly-shredded garbage.* The term “properly-shredded garbage” shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-quarter inch (1/4”) in any dimension.

27. *Public sewer.* The term “public sewer” shall mean a sewer in which all owners of abutting property shall have equal rights and the use of which is controlled by public authority.

28. *Public works superintendent.* The term “public works superintendent” shall mean the public works superintendent of the city of Blanchard, Oklahoma, or any duly authorized representative.

29. *Replacement.* The word “replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the sanitary sewer system for which the system was designed and constructed. (The term “operation and maintenance” includes replacement).

30. *Sanitary sewer.* The term “sanitary sewer” shall mean a sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm, surface and groundwater or unpolluted wastes are not intentionally admitted.

31. *Sanitary sewer system.* The term “sanitary sewer system” shall include all sanitary sewer mains, interceptors, collectors, lateral lines and wastewater treatment plants, and all lines connected to the city’s sewer lines or treatment plants, whether owned by the city or not.

32. *Sewer.* The word “sewer” shall mean a pipe or conduit that carries wastewater.

33. *Sewer permit.* The term “sewer permit” shall mean a permit issued by the city to a user of the municipal sanitary sewer system for purposes of connecting to, and using, the city’s sanitary sewer system.

34. *Sewer user charge.* The term “sewer user charge” shall mean the charge made on all users of the sanitary sewer system for the cost of operation and maintenance of such system.

35. *Shall.* The word “shall” is mandatory; “may” is permissive.

36. *Slug.* The word “slug” shall mean any discharge of water, wastewater or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

37. *Standard analysis methods.* The term “standard analysis methods” shall mean the examination and analytical procedures set forth in the latest edition at the time of analysis of “Methods for Chemical Analysis of Water and Wastes” as prepared by the Environmental Protection Agency’s Water Quality Control Laboratory, Cincinnati, Ohio, or other procedures set forth in the Federal Regulations, 40 CFR 136, Guidelines Establishing Test Procedures for the analysis of pollutants.

38. *Storm sewer.* The term “storm sewer” shall mean a sewer that carries storm and surface waters and drainage, but excludes domestic wastewater and polluted industrial wastes.

39. *Storm water.* The term “storm water” shall mean rainfall or any other form of precipitation.

40. *Surcharge.* The word “surcharge” shall mean the charge in addition to the “sewer user charge” which is made on industrial users whose wastes are greater in strength than the concentration values established as “normal domestic wastewater”.

41. *Suspended solids.* The term “suspended solids” shall mean solids that either float on the surface of, or in suspension in, water, wastewater or other liquids, and that are largely removable by a laboratory filtration device. The laboratory determination of suspended solids shall be made in accordance with procedures set forth in “standard analysis methods”.

42. *Unpolluted water or waste.* The term “unpolluted water or waste” shall mean water or waste containing none of the following: free or emulsified grease or oil, acids or alkalis, phenols or other substances imparting taste or odor to receiving water, toxic or poisonous substances in suspension, colloidal state or solution, and noxious or odorous gases. It shall contain no more than ten (10) milligrams per liter (mg/l) each of suspended solids and BOD. The color shall not exceed twenty (20) color units as measured by the platinum-cobalt method of determination as specified in “standard analysis methods”.

43. *User of the sanitary sewer system.* The term “user of the sanitary sewer system” shall mean the person having a contract for water service at a particular location, if the location has a sanitary sewer connection to the city’s system; if there is not a water contract on file, it shall mean the person who is charged with water bills for the location or who pays same; if a private water supply is used, it shall mean the proprietor of the location having the sewer connection.

44. *Wastewater.* The word “wastewater” shall mean a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm water as may be present.

45. *Wastewater treatment plant.* The term “wastewater treatment plant” shall mean all facilities for collection, pumping, treatment and all city-owned facilities, devices and structures used for receiving wastewater, industrial waste and sludge from the city wastewater facility.

46. *Watercourse.* The word “watercourse” shall mean a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

§ 16-802 REIMBURSEMENT OF ASSESSMENT PAID BY CITY.

1. Whenever the construction cost of sanitary sewers has been or may be levied and assessed against the property abutting thereon, as provided by the laws of the state, and the city has paid or may be liable to pay such assessments in whole or in part from municipal funds, than any owner or occupant of any property abutting such sewers who makes application for permission to tap such sewers shall not be issued a permit unless he shall:

- a. Have paid to the city the amount of the assessments that have been paid by the city prior to issuance of the permit; and
- b. Agree in writing with the city that:
 - 1) Any unpaid or unmatured assessments levied against the property shall be or, or remain, a lien against the property so long as the assessments remain unpaid; and
 - 2) From the date of issuance of the permit, the unpaid assessments shall become and remain a lien in the same manner and form as is provided for in levying assessments against property abutting upon sewer collector lines under the laws of the state, as if the same had been originally levied under the laws of the state. Such lien shall remain in force and effect until the assessments shall be fully paid and satisfied as provided by the statutes relating to the construction of lateral sewers.

2. The property owner or occupant shall be required:

- a. To pay the actual cost of the sewer properly chargeable to the abutting property, as provided under the laws of the state, and any interest that the city has been required to pay; and
- b. To assume the payment of interest on outstanding and unpaid assessments.

3. Upon payment to the city of the assessment, a permit may be issued to the owner or occupant to tap and use the sanitary sewer in the manner provided herein relating to such connections.

§ 16-803 PERMIT AND INSPECTION REQUIRED FOR SEWER CONNECTION.

1. No person shall make or attempt to make any such sewer connection:

- a. Without first obtaining a sewer permit as provided for in §16-802.
- b. Until the sewer connection has been properly inspected as provided in this article.

2. If a sewer connection is made without a sewer permit and without inspection, said connection shall be closed and disconnected from the sewer by order of the city of Blanchard, Oklahoma, and the Blanchard Municipal Improvement Authority (BMIA).

§ 16-804 CONNECTIONS TO COLLECTORS ONLY.

No private sewer connection, whether within or beyond the city limits, shall be made to any sewer line directly or indirectly connected with the municipal sanitary sewer system other than to a collector constructed to serve the private premises in question, except by special contract approved by the city of Blanchard, Oklahoma, and the Blanchard Municipal Improvement Authority (BMIA).

§ 16-805 CONNECTIONS TO MAINS OR INTERCEPTORS.

Whenever mains or interceptors have been constructed, and the city has paid charges in whole or in part out of municipal funds, other than those charges provided for in §16-802 herein, and when any owner or occupant of any property abutting the sanitary sewer main or interceptor makes application for connecting a private line with the sewer, no permit shall be issued until the owner or occupant has paid the city an amount equal to that which he would have been requested to pay for a collector so constructed. The amount to be charged for such connections to mains or interceptors shall be ascertained by the city.

§ 16-806 SEWER COSTS FOR PRIVATE DEVELOPMENTS.

Sanitary sewer mains or interceptors, either serving or within new subdivisions, shall be constructed of sufficient size and capacity to accommodate the anticipated conditions resulting from gravity flow from or to any mains or interceptors intended to serve the subdivision and any property that may be connected into the mains or interceptors at any future date.

§ 16-807 CONNECTION TO PUBLIC SEWER REQUIRED.

The owners of all lots lying alongside or abutting upon any alley or street upon which a collector of the municipal sanitary sewer system is now, or in the future will be laid, shall connect in accordance with the provisions of this chapter, all water closets, urinals, sinks or other places where refuse, slops, wastewater or domestic wastewater of any kind if accumulated or deposited, within thirty (30) days after date of official notice to do so; provided, that, the

public sewer is located in an easement abutting the property and further provided, that, if a private wastewater disposal facility is, in the opinion of the Oklahoma State Department of Health, functioning in a manner that is safe to the health and safety of the public, the private wastewater disposal facility may be allowed to continue so long as the facility continues to be operated and maintained in a safe condition.

§ 16-808 CONNECTIONS WITH STORM SEWERS OR NATURAL OUTLETS.

It shall be unlawful to deposit or discharge any wastewater, industrial waste, other polluted waters or liquids on public or private property, in or adjacent to any natural outlet or watercourse, or in any storm sewer within the city, or in any area under the jurisdiction of the city of Blanchard, Oklahoma, without the approval of the Oklahoma State Department of Health and the Environmental Protection Agency (EPA).

§ 16-809 PROHIBITED DISCHARGES.

1. No person shall discharge, or cause to be discharged, any storm water, groundwater, roof runoff, subsurface drainage, or any water from downspouts, yard drains, yard fountains and ponds, septic tanks or lawn sprays, into any sanitary sewer. Water from swimming pools, boiler drains, blow off pipes or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection so the discharge can be pre-cooled, if required, and flows into the sanitary sewer at a rate not to exceed the capacity of the sanitary sewer; provided, that, the waste does not contain materials or substances in suspension or solution in violation of the limits prescribed by this article; and provided, that, the water from an air-conditioning or cooling unit shall in no event exceed one-tenth (0.10) gallon per minute, per ton capacity of the unit. Dilution of any waste discharged to the municipal sanitary sewer system is prohibited, whether accomplished by the combination of two (2) or more waste streams or by the addition of other liquids solely for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations. Any new connections from inflow sources into the sanitary sewer portions of the municipal sanitary sewer system shall be prohibited.

2. No person shall discharge, or cause to be discharged, any of the following described waters, wastes, liquids, substances or materials into any public sanitary sewer:

- a. Any gasoline, kerosene, benzene, naptha, fuel oil or other flammable or explosive liquids, solids or gases;
- b. Solids or viscous substances in quantities or sizes that will not pass through a one-quarter (0.25) inch screen capable of obstructing flow

in sanitary sewers, or other interference with the proper operation of the municipal sanitary sewer system including, but not limited to, ash, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, rubber, un-ground garbage, animal grease or oil, whole blood, paunch manure, hair, mean fleshings, entrails, bones, hooves, toenails, bristles, horns, chicken feet or heads (or of other fowls), yeast, spent grain, hops, whey, whole or separated milk, paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders, or lime slurry, lime residue, slops, chemical residues, paint residues, fiberglass or bulk solids;

- c. Any noxious or malodorous substance which can form a gas, which either singly or by interaction with other wastes, is capable of causing objectionable odors or hazard to life and/or property, which forms solids in concentrations exceeding limits established herein or creates any other condition deleterious to structures or treatment processes, or requires unusual facilities, attention or expense to handle such materials; or
- d. Any waters or wastes having a pH lower than five and one-half ($5\frac{1}{2}$) or higher than ten and one-half ($10\frac{1}{2}$), or containing any chemical or corrosive property that is hazardous or capable of causing damage to structures, equipment or personnel of the municipal sanitary sewer system.

§ 16-810 INDUSTRIAL AND HARMFUL WASTES PROHIBITED IN SANITARY SEWERS.

No person shall discharge, or cause to be discharged, the following substances, materials, waters or wastes if it appears likely in the opinion of the city of Blanchard, Oklahoma, that such substances or wastes can harm or interfere with either the sewers, sewage treatment process or equipment, have an adverse effect on the natural outlet, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of the wastes, the city will give consideration to factors including the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors. The prohibited substances are:

- 1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees centigrade;
- 2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, or other substances that may solidify or become viscous at

temperatures above thirty-two (32) degrees Fahrenheit, or sixty-five (65) degrees centigrade;

3. Any garbage that has not been properly shredded; the installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower or greater shall be subject to the review and approval of the city;

4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not;

5. Any waters or wastes containing obnoxious, toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create any hazard in the receiving waters of the wastewater treatment plant, or interfere with the beneficial use of the sludge, including, but not limited to:

- a. Concentrations of the following, greater than the milligram per liter (mg/l) amounts indicated below:

<u>Element</u>	<u>mg/l</u>	<u>Element</u>	<u>mg/l</u>
Aluminum	0.01	Cyanide	1.0
Arsenic	0.05	Iron	0.3
Barium	5.0	Lead	0.1
Beryllium	0.01	Manganese	0.2
Bismuth	0.50	Mercury	0.002
Boron	1.0	Molybdenum	1.0
Cadmium	0.01	Nickel	0.2
Chromium	0.05	Phenol	0.001
(hexa)		(receiving stream)	
Chromium	5.0	Selenium	0.02
(tri)			
Cobalt	0.05	Silver	0.05
Copper	0.2	Zinc	2.0

- b. All other heavy metals and toxic substances, including but not limited to the following, shall be excluded from the wastewater system unless a permit specifying the conditions of pre-treatment, concentrations, volumes, etc., is obtained from the city: pesticides, rhenium, strontium, tellurium, herbicides, fungicides or any other fluoride other than that in the public water supply;
- c. Any substance causing chemical oxygen demand (COD).

6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits that may be established by the city as necessary, after treatment of composite wastewater, to meet the requirements of the state, federal or other public agencies for such discharge to a natural outlet;

7. Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

8. Materials that cause:

- a. Excessive discoloration (including dye wastes and vegetable tanning solutions);
- b. Unusual biochemical oxygen demand (BOD), suspended solids or oils and grease greater than the amounts established for "normal domestic wastewater", as defined herein;
- c. Unusual volume of flow or concentration of wastes constituting "slugs" (as defined herein) shall be regulated to equalize the flow and/or concentration to levels acceptable to the city if such waste can damage the collection facilities, impair the treatment process, incur treatment costs exceeding those for normal domestic wastewater, or render the waste unfit for stream disposal and industrial use;

9. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

10. Except in quantities or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person or corporation to discharge water or wastes to the sanitary sewer that:

- a. Can deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
- b. Can overload skimming or grease handling equipment;
- c. Are not amenable to bacterial action, and will, therefore, pass to the receiving waters without being affected by normal wastewater treatment processes; or

d. Can have a deleterious effect on the treatment process due to excessive quantities.

11. Any water or wastes having concentrations as follows:

- a. Five (5) day BOD concentration in excess of two-hundred (200) milligrams per liter (mg/l);
- b. Suspended solids concentration in excess of two-hundred (200) milligrams per liter (mg/l);
- c. Oil and grease concentration in excess of one-hundred (100) milligrams per liter (mg/l); or
- d. COD concentration in excess of one-thousand (1000) milligrams per liter (mg/l).

12. Where necessary, in the opinion of the city, the owner shall provide and operate at his own expense, such pre-treatment as may be required to reduce the BOD, suspended solids or oil and grease to meet the above requirements;

13. The municipal sanitary sewer system shall be used, whenever such system is available, by all persons discharging any wastewater, industrial waste or other polluted liquids, unless an exception is granted by the city.

§ 16-811 INDUSTRIAL WASTES; HANDLING OF HARMFUL WASTES.

1. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, that contain the substances or possess the characteristics enumerated in §§16-809 and 16-810 herein, and that in the judgment of the city may have a deleterious effect upon the wastewater works, processes, equipment or the natural outlet, or that otherwise create a hazard to life or constitute a health hazard or public nuisance, the city may:

- a. Reject the wastes;
- b. Require pre-treatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and/or
- d. Require an agreement to treat such wastes; said agreement shall remain in effect for a period of one year and shall be renewable at the discretion of the city, (payment to cover the cost of handling and treating the wastes shall be under the provisions of this article).

2. If the city permits the pre-treatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances and laws.

§ 16-812 PERMIT REQUIRED FOR INDUSTRIAL CONNECTIONS.

Any person applying to the city for a permit to make any connection for industrial wastes shall furnish the following information:

1. A plot of the property showing accurately all existing sanitary sewers and storm drains;

2. Plans and specifications, approved by a professional engineer, licensed to practice in the state of Oklahoma, covering any work proposed to be performed under the permit;

3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at the property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses;

4. The name and address of the firm who will perform the work covered by the permit; and

5. A completed application for a permit to discharge industrial waste submitted to the city.

§ 16-813 INFORMATION AND COOPERATION OF INDUSTRIAL USERS.

Industrial users shall cooperate at all times with the city in inspecting, sampling and studying of the industrial wastes and any facilities provided for pre-treatment. The industrial user shall also furnish any additional information relating to the installation or use of the industrial sewer as may be requested by the city and shall operate and maintain any waste pre-treatment facilities as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times and at no expense to the city. The user shall notify the city immediately in the event of any accident or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by agreement and permit.

§ 16-814 GREASE, OIL AND SAND INTERCEPTORS; EXCEPTION.

1. Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other

harmful ingredients, consistent with the requirements of chapter 4 of this code of ordinance.

2. Interceptors shall not be required for private living quarters or dwelling units.

3. All interceptors shall be of a type and capacity approved by the city and shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be constructed under the supervision of the city and shall be maintained by the owner, at his expense, in a continuously efficient operation at all times.

§ 16-815 CONTROL MANHOLE; METERS.

Where required by the city, an industrial user shall install a suitable control manhole together with such necessary meters and other appurtenances in its sewer line at some point before the sewer discharge mixes with other discharges in the public sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

§ 16-816 CONDITIONS FOR INDUSTRIAL USER PERMITS.

1. No industrial user, now so doing, shall deposit or discharge any industrial waste into any sanitary sewer that leads to any of the city's treatment plants, or deposit or discharge any waste stipulated in §§16-809 and 16-810 herein, without first completing an application for an industrial user permit.

2. Existing industrial users shall be issued permits after the following conditions are met:

- a. Formal application is submitted on a form issued by the city within sixty (60) days after the effective date of this chapter;
- b. Where applicable, plans and specifications for pre-treatment facilities have been approved by the city; and
- c. All requirements for agreements or arrangements have been complied with, including, but not limited to, provisions for:
 - 1) Payment of sewer user charges, surcharges and industrial cost recovery charges as required;

- 2) Installation and operation of pre-treatment facilities, where applicable;
- 3) Sampling and analysis to determine quantity and strength of wastes, following procedures as stipulated herein; and
- 4) Provision of a control manhole subject to the provisions of this article, and subject to the approval of the city.

3. New industrial users shall be issued permits after the following conditions are met:

- a. Formal application is submitted on a form issued by the city;
- b. Where applicable, pre-treatment facilities and/or flow regulating devices approved by the city have been installed; and
- c. All requirements for agreements or arrangements have been complied with, including, but not limited to, provisions for:
 - 1) Payment of sewer user charges, surcharges and industrial cost recovery charges as required;
 - 2) Sampling and analysis to determine quantity and strength of wastes, following procedures as stipulated herein;
 - 3) Provision of a control manhole subject to the provisions of this article, and subject to approval of the city;
 - 4) Upon receipt of an industrial user permit granted under this section, each industrial user shall submit to the city, and each three (3) months thereafter for one year, a report of the contents of the wastewater being discharged into the public sewer system. Thereafter, each industrial user shall report biennially, or more often if directed to do so by the city; these reports shall be in such form and contain such information as the city may require; the industrial user shall grant the city access to the facilities for purposes of verifying the user's reports; and
 - 5) Industrial user permits granted under this section shall be issued for a period of twenty-four (24) months and shall be renewable, provided the user complies with all requirements of this article, including the payment of all applicable sewer user charges, industrial user surcharges and industrial cost recovery charges.

§ 16-817 ISSUANCE AND RENEWAL OF INDUSTRIAL USER PERMITS.

1. The city shall issue and renew industrial user permits for any person, firm or establishment discharging any industrial waste into any sanitary sewer which leads to any of the city's wastewater treatment plants.

2. A certified biennial report prepared by an industrial user's approved laboratory, or an independent testing laboratory employed by the industrial user and approved by the city, shall be submitted to the city certifying that there have been no changes in operational procedures, flow rates, BOD, suspended solids or oil and grease values, or if there have been such changes, furnishing the information thereof in such detail as may be required by the city. Failure to submit such report shall constitute cause for the suspension or revocation of the industrial user permit. Any significant changes in the flow rate, BOD and suspended solids values or other characteristics of the industrial waste being discharged, shall be reported to the city by the industrial user within thirty (30) days of such changes.

§ 16-818 MEASUREMENTS, TESTS AND ANALYSES OF WASTES.

1. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the procedures set forth in "Standard Methods for the Analysis of Water and Wastes", and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. Samples for laboratory analysis shall be flow proportional, composite samples.

2. For purposes of reporting wastewater characteristics required under this section, the determination of flow, BOD, suspended solids and any other pollutants shall be made by an independent firm or laboratory approved by the City. The time of selection of the sample shall be at the sole discretion of the city, but at least on a biennial basis for the purpose of determining the industrial wastewater contribution to the municipal sanitary sewer system.

§ 16-819 NOTICE TO CEASE VIOLATIONS.

Any person found to be violating any provision of this article shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 16-820 DAMAGE CAUSED BY PROHIBITED DISCHARGE.

Any industrial user who discharges, or causes the discharges of, prohibited wastewaters that cause damage to the City's treatment facilities,

detrimental effects on treatment processes, or any other damage resulting in costs to the City, shall be liable for all damages occasioned thereby.

§ 16-821 REQUEST FOR RECONSIDERATION.

1. Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the city, interpreting or implementing the provisions of this article or in any Permit issued herein, may file with the city written request for reconsideration within fifteen (15) days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. Upon receipt of such request for reconsideration, a designated representative of the city shall set a time and place to meet with the person and shall give the petitioner written notice thereof. The hearing shall be commenced within not more than fifteen (15) days after the day on which the petition is filed; provided, that, upon the application of the petitioner, the date of the hearing may be postponed for a reasonable time beyond such fifteen (15) day period, and in the judgment of the city, the petitioner has submitted a good and sufficient reason for such postponement.

2. At such hearing, the city may sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this article and the rules and regulations adopted pursuant thereto have been complied with. If the city sustains or modifies such notice, it shall be deemed to be a final order.

§ 16-822 FALSIFYING OF INFORMATION.

Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the city or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article is hereby declared to be in violation of this Article and subject to the penalties imposed under §8-301 of this code of ordinances.

§ 16-823 REQUIREMENTS FOR DESIGN AND CONSTRUCTION OF SEWER LINES.

The size, slope, alignment, materials of construction of a sewer line, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or amplifications thereof, the materials and procedures set forth in the appropriate specifications of the A.S.T.M. and Oklahoma State Department of Health shall apply.

§ 16-824 CONNECTING SEWERS OUTSIDE CITY LIMITS TO COMPLY WITH CITY STANDARDS.

No sanitary sewer constructed outside the city boundaries, the flow of which is discharged or is to be discharged into the sanitary sewer system of the city of Blanchard, Oklahoma, shall be connected with the sanitary sewer system of the city unless such sanitary sewer shall have been constructed in compliance with all the terms of this article.

§ 16-825 SANITARY SEWER CONNECTION PLANS TO BE SUBMITTED TO THE CITY.

1. Whenever it is proposed to construct any sanitary sewer outside city boundaries and connect with the sanitary sewer system of the city, the complete plans, specifications and estimate of costs of such sewer shall be submitted to the city.

2. If the city finds from an examination of such plans and specifications that the proposed sanitary sewer complies with the laws of this state and that the design of the sewer is such that it will be practical to connect the same with the sanitary sewer system of the city, then the construction of such system shall be authorized.

§ 16-826 CONTRACT TO PROVIDE FOR MAINTENANCE OF SEWER.

Prior to the authorization provided in this article, the person desiring to construct said sewer shall enter into a contract with the city to provide for the operation and maintenance (O&M) of such sewer for such period as it remains beyond the city boundaries.

§ 16-827 ENGINEERING AND INSPECTION FEES FOR SEWER CONSTRUCTION.

1. For any sanitary sewer to be hereafter construction outside the city boundaries, if such sewer is to be connected directly or indirectly with the sanitary sewer system of the city, then an inspection and engineering fee shall be paid to the city clerk-treasurer at the time of the submission of the plans and specifications of such sewer to the city.

2. Such fee shall be an amount based on the estimated cost of such construction and inspection and shall be computed as provided for in the general schedule of fees approved by the city council.

§ 16-828 INSPECTION BY THE CITY.

1. Whenever the owner of a proposed sanitary sewer shall commence the construction of such sewer, he shall notify the city, and the city shall periodically perform inspections during the construction of such sanitary sewer.

2. Such inspector shall see that such sewer is constructed in compliance with the laws of this State, and in accordance with the plans and specifications as approved by the city.

3. When such sewer is completed, if the city finds that such sewer has been in all respects constructed as provided for in this chapter, and that all fees as provided for in this chapter have been paid, then the city, upon the request of the owner of such sewer, shall authorize the connection of such sewer with the sanitary sewer system of the city.

§ 16-829 FILING OF ORIGINAL TRACINGS OF SEWER LINES.

Upon completion, final acceptance by the city and the connection of such sewer with the sanitary sewer system of the city, the original tracings of all plans and profiles for the construction of such sanitary sewer shall be corrected by the engineer who prepared the same to show such sewer as it is actually built, and copies of all of such original tracings of the plans and profiles shall be filed with the city.

§ 16-830 CITY NOT LIABLE FOR SEWER MAINTENANCE OUTSIDE CITY BOUNDARIES.

The city shall assume no liability or obligation for the operation and maintenance of the sanitary sewer system as long as the district served by such sewer remains outside the city boundaries.

§ 16-831 SEWER SUBJECT TO REGULATIONS.

After the sewer has been connected with the sanitary sewer system of the city, all the terms of this article shall be in full force and effect and shall apply to all persons in the district served by such sanitary sewer.

§ 16-832 OTHER MUNICIPALITIES' USE OF THE BLANCHARD SANITARY SEWER SYSTEM.

1. When the sanitary sewer that is proposed to be connected to the sanitary sewer system of the city of Blanchard, Oklahoma, is to be constructed by an incorporated city or town, such city or town shall have the option of using the engineering and inspection services of the city of Blanchard, Oklahoma, upon

payment of the fees provided for herein, or such city or town may provide its own engineering and inspection services.

2. If the city or town elects to provide its own engineering and inspection services, then such engineering and/or inspection shall be performed by a registered professional engineer, and the construction shall be equal to the standard specifications of the city of Blanchard, Oklahoma.

§ 16-833 SEWER CONNECTIONS OUTSIDE CITY.

1. No person shall connect, or authorize to be connected, any premises that are located outside the city limits to, or with, any sanitary sewer that shall connect directly or indirectly with the sanitary sewer system of the city, without first obtaining a special sewer connection permit.

2. Any person desiring to obtain a special sewer connection permit shall make application to the city and furnish a detailed plan of the desired connection. After inspection of the plan and existing sewer facilities, the application will be presented to the city council. Special sewer connection permits shall be issued only with the approval of the city council.

3. Upon approval by the city council of the issuance of the permit the applicant therefore shall first pay to the city clerk-treasurer the fee as prescribed in the general schedule of fees approved by the city council.

§ 16-834 SEWER SERVICE CHARGE.

For the purpose of providing funds for the operation and maintenance (O&M) of the municipal sewer system, each respective user who does not discharge wastes prohibited by §§16-809 and 16-810, shall pay a sewer service charge as established by the most recent adopted sewer user charge provisions.

Cross Reference: see §16-304, this code of ordinances.

§ 16-835 CHARGES FOR EXTRANEEOUS FLOWS.

Operation and maintenance (O&M) costs for extraneous flows not directly attributable to users (i.e. infiltration/inflow) shall be proportionately distributed among all users of the sanitary sewer system on the same basis as operation and maintenance charges.

§ 16-836 ANNUAL REVIEW OF SEWER USER CHARGE RATES.

The basis for determining the sewer user charge rates shall be reviewed at least annually and shall be adjusted as necessary to reflect any increase or

decrease in wastewater treatment costs based on the immediately preceding year's experience.

§ 16-837 RECORD-KEEPING OF SEWER USER CHARGES.

A record-keeping system shall be established and maintained by the city manager to document compliance with federal regulations pertaining to the sewer user charge system. The system shall include the following:

1. The original user charge system and all documentation related thereto;
2. All revisions to the user charge system and all related documentation;
3. Annual O&M costs for the municipal sewer system;
4. Unit O&M costs for treatment of BOD, suspended solids and oil and grease;
5. Names and addresses for industrial users of the municipal sewer system; and
6. Percentage rate of water used, as determined by the city, for purposes of computing sewer user charges, and any revisions related thereto.

§ 16-838 ANNUAL NOTIFICATION OF USER CHARGES.

Each user of the municipal sewer system shall be notified by the city, at least annually, and in conjunction with a regular bill, of the rate and that portion of the sewer user charge which is attributable to wastewater treatment services.

§ 16-839 BILLINGS; WATER RE-SALES.

If water is sold by the city and metered to a person for re-sale to water consumers who are users of the city sanitary sewer system, such first purchaser shall be responsible to the city for the billing and collecting of all sewer user charges of said consumers and shall account to the city for all such sewer user charges at the time such first purchaser pays his water bill.

§ 16-840 BILLING FOR SEWER SERVICE.

Billings for sewer service shall be rendered at the same time and on the same bills issued for water service, but shall be shown as a separate item from the charge for water.

§ 16-841 DATE OF PAYMENT.

The sewer user charge shall be due and payable from and after the date on the bill on which such charge is shown. Payment shall be made to the authorized collector, but the authorized collector shall not accept payment for any sewer user charge without payment of the water bill on which said charge are shown, nor shall payment be accepted on any water bill without payment also of any sewer user charge shown thereon.

§ 16-842 WATER DEPOSITS.

All deposits made by users of city water, as required by ordinance to guarantee payment of water bills, may also be applied to pay delinquent or defaulting sewer user charges of the user who made the deposit.

§ 16-843 PENALTY FOR FAILURE TO PAY.

Failure to pay a sewer user charge in accordance herewith shall be cause for discontinuing and disconnecting either the sewer connection or water connection, or both.

§ 16-844 INCONSISTENT AGREEMENTS.

The user charge system shall take precedence over any terms or conditions of agreements or contracts, between the city and users of the sanitary sewer system, which are inconsistent with the requirements of the user charge system.

§ 16-845 SURCHARGE FOR INDUSTRIAL USERS.

1. If the city determines that an industrial waste is acceptable for admission to the municipal sanitary sewer system, under the discretionary powers given in this article, the industrial user shall be charged and assessed a surcharge, in addition to any sewer user charges, if these wastes have concentrations greater than normal domestic wastewater, as defined in §16-801.

2. The industrial user's surcharge shall be calculated by the following formula:

$$C_s = (B_c (B) + S_c (S) + P_c (P) + D_c (D) + O_c (O) V_u$$

Where:

C_s = Industrial user's monthly surcharge for wastewaters of excessive strength.

B_c = O&M cost for treatment of a pound of biochemical oxygen demand (BOD).

B = Concentration of BOD from an industrial user above 200 mg/l in pounds per million gallons.

S_c = O&M cost for treatment of a pound of suspended solids.

S = Concentration of suspended solids from an industrial user above 200 mg/l in pounds per million gallons.

P_c = O&M cost for treatment of a pound of oil and grease.

P = Concentration of oil and grease from an industrial user above 100 mg/l in pounds per million gallons.

D_c = O&M cost for treatment of a pound of chemical oxygen demand (COD).

D = Concentration of COD from an industrial user in pounds per million gallons.

O_c = O&M cost for treatment of a pound of petroleum oil and grease.

O = Concentration of petroleum oil and grease from an industrial user in pounds per million gallons.

V_u = Industrial user's wastewater contribution, in millions of gallons per month.

Unit costs shall be calculated as follows:

$$B_c = \frac{C_t}{B_t}$$

$$S_c = \frac{C_t}{S_t}$$

$$P_c = \frac{C_t}{P_t}$$

Where:

C_t = Portion of annual O&M cost of wastewater treatment plant attributable to BOD.

- C_t = Portion of annual O&M cost of wastewater treatment plant attributable to suspended solids.
- C_t = Portion of annual O&M cost of wastewater treatment plant attributable to oil and grease.
- C_t = Portion of annual O&M cost of wastewater treatment plant attributable to COD.
- C_t = Portion of annual O&M cost of wastewater treatment plant attributable to petroleum oil and gas.
- B_t = Annual total BOD loading to the wastewater treatment plant in pounds.
- S_t = Annual total suspended solids loading to the wastewater treatment plant in pounds.
- P_t = Annual oil and grease loading to the wastewater treatment plant in pounds.
- D = Annual total COD loading to the wastewater treatment plant in pounds.
- O_t = Annual total petroleum oil and grease loading to the wastewater treatment plant in pounds.

3. When total suspended solids, BOD, oil and grease, and/or any other pollutant, including toxic pollutants, of water or waste accepted for admission to the city sanitary sewer system exceeds the values of these constituents for normal domestic wastewater, causing an increase in the cost of managing the effluent or sludge of the treatment works, the industrial user shall pay the industrial user surcharge in addition to any sewer user charges.

4. If an industrial user's wastewater flow is measured by a recording meter of a type approved by the city, and if such industrial user maintains such device in a proper condition to accurately measure such flow, then the industrial user's monthly wastewater contribution (V_u), in thousands of gallons, shall be that volume measured by the recording device.

ARTICLE 9

MISCELLANEOUS PROVISIONS.

- § 16-901 Turning on utilities.
- § 16-902 No service connection until bills have been paid; cut-offs.

- § 16-903 Customers to keep service pipes in good repair.
- § 16-904 City not responsible for utility interruption.
- § 16-905 Municipal personnel may inspect private premises.
- § 16-906 Interference with fire hydrants; damage of utility system.
- § 16-907 Construction cost reimbursement for certain utility trunk lines, water towers, lift stations and other utility system improvements.

§ 16-901 TURNING ON UTILITIES.

1. It shall be unlawful for any person to turn the utility on to any premises from any municipal utility system, without written permission of the city clerk-treasurer. Utilities shall not be turned on until any and all deposits and charges have been paid. The city clerk-treasurer shall see that the utility is turned on when all requirements for service have been complied with.

2. When a utility has been turned off by municipal personnel, it shall not be turned on again without written permission of the city clerk-treasurer.

§ 16-902 NO SERVICE CONNECTION UNTIL BILLS HAVE BEEN PAID; CUT-OFFS.

1. A person owing delinquent municipal utility bills or other charges in connection with any municipal utility system shall not be extended additional services until such bills and charges have been paid.

2. Utilities may be cut off and service discontinued for any of the following reasons:

- a. Violation of any ordinance provision relating to any utility or service system, or violation of any ordinance provision or any provision of a code adopted by reference, relating to water and sanitary plumbing or electrical installations, as the case may be, or
- b. Failure to pay a utility bill or other proper charge made in connection with the utility system by the time specified by ordinance.

3. A particular service may be cut off for any act or omission in regard to the abuse of another system or service, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others.

4. The city reserves the right to cut off or reduce any utility or service to any customer when necessary to conserve water, to protect life or property, or to repair or improve the system.

§ 16-903 CUSTOMERS TO KEEP SERVICE PIPES IN GOOD REPAIR.

All customers using municipal 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.

§ 16-904 CITY NOT RESPONSIBLE FOR UTILITY INTERRUPTION.

The city shall not be responsible for any damages due to stoppage or interruption of any utility or service.

§ 16-905 MUNICIPAL PERSONNEL MAY INSPECT PRIVATE PREMISES.

Personnel in the service of the city of Blanchard, Oklahoma, may enter any private premises served by municipal utilities at any reasonable time, and inspect the pipe, fixtures and/or wiring on the premises.

§ 16-906 INTERFERENCE WITH FIRE HYDRANTS; DAMAGE OF UTILITY SYSTEM.

1. It shall be unlawful for any person, unless duly authorized, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the city of Blanchard, Oklahoma.

2. It shall be unlawful for any person to, in any manner, obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or any 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 a Municipal utility system.

§ 16-907 CONSTRUCTION COST REIMBURSEMENT FOR CERTAIN UTILITY TRUNK LINES, WATER TOWERS, LIFT STATIONS AND OTHER UTILITY SYSTEM IMPROVEMENTS.

1. Any person who elects to construct a utility trunk line, water tower, lift station or appurtenances thereto, as defined in this section, shall be eligible to receive reimbursement for a portion of the costs of construction of the utility trunk line, water tower, lift station or appurtenances thereto in a negotiated amount not to exceed ninety percent (90%) of the cost of the utility trunk line.

2. The term "recoupment eligible improvements" is hereby defined as:

a. a water or sewer utility main located in public easements or on city owned property connecting an existing main utility line of the

Blanchard Municipal Improvement Authority to water or sewer lines located within an existing subdivision or a proposed subdivision;

- b. a water tower or lift station or other improvement appurtenant thereto that the Blanchard Municipal Improvement Authority determines is beneficial to property other than just the property being developed by the person constructing the improvement;
- c. The term "recoupment eligible improvements" shall exclude water or sewer lines, water towers or lift stations or other appurtenances located within a subdivision or proposed subdivision unless such internal water or sewer line, water tower, lift station or other appurtenance is upsized at the request of the Blanchard Municipal Improvement Authority to allow the improvement to benefit property other than just the property being developed by the person constructing the improvement.

3. To be eligible for reimbursement for a portion of the costs of construction of recoupment eligible improvements ("REI") the person constructing the REI shall, prior to the construction of the REI, submit plans for the construction of said REI together with plans for all water and sewer improvements and appurtenances that said person proposes to be located in the subdivision or proposed subdivision being developed by the person constructing the REI.

4. Prior to the commencement of construction, the person desiring to construct the REI shall obtain written approval of the city of Blanchard and the Blanchard Municipal Improvement Authority of the REI design and construction, including size and location of the REI. The approval required by this section shall be in addition to and not in lieu of approval required by other sections and provisions of the code of the city of Blanchard, the subdivision regulations for the city of Blanchard and any other requirements or regulations of the city of Blanchard or the Blanchard Municipal Improvement Authority.

5. Prior to the written approval of the city of Blanchard and the Blanchard Municipal Improvement Authority, the person constructing the REI shall enter into a written agreement between the Blanchard Municipal Improvement Authority and the city of Blanchard outlining the specific conditions for reimbursement.

6. Under no circumstances shall the city of Blanchard or the Blanchard Municipal Improvement Authority be liable to any person for failure to comply with the terms of an agreement entered into pursuant to this ordinance.

7. Reimbursements for REI construction costs will be made from impact fees collected from parties benefiting from the construction of the REI.

8. No person shall be entitled to any reimbursement for any REI construction costs more than fifteen (15) years after the dedication of the REI to the Blanchard Municipal Improvement Authority.

9. The city of Blanchard and the Blanchard Municipal Improvement Authority shall maintain in its permanent files a full and complete description of all REI constructed pursuant to this section. The permanent files and records of the City of Blanchard shall include a copy of the agreement between the Blanchard Municipal Improvement Authority, the city of Blanchard and the person constructing the REI pursuant to this ordinance. The records with regard the each REI constructed pursuant to this § shall include the date dedication of the REI and the total cost of the REI as evidenced by the sworn statement of the person constructing same.

10. The city of Blanchard and the Blanchard Municipal Improvement Authority shall clearly note upon its municipal utility maps the existence of all REI constructed pursuant to this ordinance and shall maintain such clear designation for a period of fifteen (15) years from the date of the dedication of said REI.

11. The written agreement between the person constructing REI and the city of Blanchard and The Blanchard Municipal Improvement Authority shall address the conditions and amounts of reimbursement to which the person is entitled. No construction shall begin until such agreement has been fully approved and executed by all parties.

12. No property owner or developer shall be compelled to install REI, however, the city of Blanchard and the Blanchard Municipal Improvement Authority shall not be compelled to allow any person to use its public easements or rights of way for the installation of utilities.

13. Any REI constructed pursuant to this ordinance shall be dedicated to the city of Blanchard and the Blanchard Municipal Improvement Authority immediately upon its completion and the construction of said REI shall be in compliance with all federal, state and municipal statutes, ordinances and regulations.

14. No property owner or developer shall be compelled to connect to an REI constructed pursuant to this ordinance, however, any such connection made within fifteen (15) years of the dedication of said REI shall require the imposition of an impact fee in such amount and under such conditions as set forth in the negotiated agreement between the city of Blanchard, The Blanchard Municipal Improvement Authority and the person constructing the REI pursuant to this ordinance. In addition to the imposition of said impact fee, the city shall also assess other fees, including Connection Fees to recover the city's costs for said connection. (Ord. No. 2006-29, 10/10/2006)

ARTICLE 10

PENALTY

§ 16-1001 Penalty; failure to pay utility bills.

§ 16-1001 PENALTY; FAILURE TO PAY UTILITY BILLS.

1. Every 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 situation defined by this chapter as unlawful, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in §8-301 of this code of ordinances. Every day upon which a violation continues shall be deemed a separate offense.

2. All bills for utility services due to the city of Blanchard, Oklahoma, shall be due and payable upon receipt and shall be considered delinquent if not paid on or before the 10th day of each month. Each delinquent utility bill shall have added thereto an additional one percent (1%) of unpaid balance per month as penalty. Any person delinquent in payment on the last day of each month shall be notified of such delinquency, and after five (5) days' notice shall have such services discontinued, and such services shall not be restored until the delinquent bill, including penalty, is paid in full. It shall be the duty of the city clerk-treasurer to notify the appropriate personnel of any such delinquency. Any person whose services have been discontinued for unpaid utility bills may have the same resumed upon the payment of all utilities due and the further sum of twenty-five dollars (\$25.00) to cover the cost. (Ord. No. 1991-03, 5/21/91)

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CHAPTER 17

STREETS AND OTHER PUBLIC AREAS

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USE AND OBSTRUCTION

- § 17-101 Trees and shrubbery.
- § 17-102 Rights-of-way and easements.
- § 17-103 Obstructions.
- § 17-104 Drainage of polluting substance.
- § 17-105 Closing public ways and easements.

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MISCELLANEOUS PROVISIONS

- § 17-201 Skating on sidewalk prohibited.
- § 17-202 Bicycles on sidewalks prohibited.
- § 17-203 Driving on newly-paved streets.
- § 17-204 Arterial street construction: improvement responsibilities.
- § 17-205 Arterial street construction: additional improvement alternatives.
- § 17-206 Arterial street construction: recoupment of costs for additional construction.

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RESIDENTIAL STREET LIGHTING POLICY

- § 17-301 Residential street lighting policy.

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- § 17-401 Purpose.
- § 17-402 Permit required.
- § 17-403 Definitions.
- § 17-404 Duties of the city.
- § 17-405 Application process.
- § 17-406 Fees.
- § 17-407 Standards for issuance.
- § 17-408 Permit required.

- § 17-409 Definitions.
- § 17-410 Duties of the city.
- § 17-411 Appeals procedure.
- § 17-412 Notice to city and other officials.
- § 17-413 Contents of permit.
- § 17-414 Duties of permittee.
- § 17-415 Prohibitions.
- § 17-416 Public conduct.
- § 17-417 Revocation of permit.
- § 17-418 Penalty.
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- § 17-501 Limited access facility system established.
- § 17-502 Designation of limited access facilities.
- § 17-503 Regulation and use of limited access facilities.
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ARTICLE 1

USE AND OBSTRUCTION

- § 17-101 Trees and shrubbery.
- § 17-102 Rights-of-way and easements.
- § 17-103 Obstructions.
- § 17-104 Drainage of polluting substance.
- § 17-105 Closing public ways and easements.

§ 17-101 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 injury 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.

3. Permission is hereby given to any owner, lessee or occupant of any property abutting on any residential street to set out and grow any kind of tree for shade purposes between the property line and the curb line of such property line, such trees to be set on a line or lines running parallel with the line of such property and shall not be set or grown in any other place or in any other manner, to include a prohibition against creating view obstructions within the "sight triangle" created, by definition in the city's adopted zoning ordinance, at each and every street intersection in the city of Blanchard, Oklahoma.

4. All decayed, dead or broken trees and all dead, decayed or broken parts of trees, which are unsightly and liable to fall or be blown down, and which are standing near any sidewalk in the city of Blanchard, Oklahoma, shall be removed by the owner or occupant or person having charge of the adjacent property or the property on which same are located.

§ 17-102 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-owner property, whether platted or unplatted; provided, that, the

city of Blanchard, 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 city council 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 city council 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 city of Blanchard, Oklahoma; and
- d. Permit access to the property at any time when requested to do so by a municipal officer or employee.

4. It shall be unlawful for any person, firm or corporation to construct, erect, build, or cause to be constructed, erected or built, any fence, of whatever height or material, within any dedicated road right-of-way in the city of Blanchard, Oklahoma.

§ 17-103 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 city of Blanchard, 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 city of Blanchard, 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 city manager; 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.

§ 17-104 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. 1981, as amended, §926.1) into any street, alley, sidewalk or public right-of-way of the city of Blanchard, Oklahoma.

§ 17-105 CLOSING PUBLIC WAYS AND EASEMENTS.

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

1. *Close.* The term “close” is used herein to mean an action by the city council discontinuing the public use of a public way or easement without affecting title to real property.

2. *Easement.* The term “easement” is used herein to mean certain rights in real property as set forth in 60 Oklahoma Statutes section 49.

3. *Public Agency.* The term “public agency” is used herein to mean the city, state or federal governments or any of their agencies or political subdivisions.

4. *Public Way:* The term “public way” is used herein to mean a street, avenue, boulevard, alley, lane or thoroughfare open for public use.

B. Procedure for Closing Public Ways and Easements:

1. Application; Contents: Any person or corporation desiring to have a public way or easement closed within the corporate limits of the city shall submit a formal application to the planning and zoning commission. The application shall consist of:

- a. A map showing the public way or easement the applicant wishes closed.
- b. A statement why the applicant desires the closing and whether the public way or easement is presently being used or when it was last used by the public.
- c. A list of all owners of record abutting the public way or easement or whose property is within three hundred feet (300') of the external boundary of said public way or easement, taken from the current year's tax rolls of the county treasurer and certified by a bonded abstracter.
- d. A list of all franchisees and any others determined to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement.
- e. Applicant shall provide this required information at its own expense. Unless the applicant is a public agency, the application should also be accompanied by a fee of two hundred fifty dollars (\$250.00) to cover the costs of mailing and publication.

2. Notice of Public Hearing: The planning and zoning commission shall set a date for a public hearing on the application. The city clerk shall provide proper notice of the hearing to the public and to all property owners and franchisees. A minimum of thirty (30) days public notice prior to the hearing shall be published in the official newspaper of general circulation in the city. Written notice of the hearing shall be given to all property owners within three hundred feet (300'), all franchisees, and any others determined to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement at least thirty (30) days prior to the hearing on the application by mailing the notice to the last known address of each person entitled to notice.

3. Recommendation of Commission: Following the public hearing, the planning and zoning commission shall determine whether it is necessary or expedient to close the public way or easement and make an appropriate recommendation to the city council for final consideration of the application.

4. Council Action: After considering the application, the mayor and council may disapprove the application or may pass an ordinance closing to the public use the public way or easement within the city if the city council deems such closure necessary or expedient.

5. City Authority; Certain Right Retained: Any ordinance closing a public way or easement shall state that the city retains the right to reopen the public way or easement whenever the city deems it necessary and that closing of the public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

ARTICLE 2

MISCELLANEOUS PROVISIONS

- § 17-201 Skating on sidewalk prohibited.
- § 17-202 Bicycles on sidewalks prohibited.
- § 17-203 Driving on newly-paved streets.
- § 17-204 Arterial street construction: improvement responsibilities.
- § 17-205 Arterial street construction: additional improvement alternatives.
- § 17-206 Arterial street construction: recoupment of costs for additional construction.

§ 17-201 SKATING ON SIDEWALKS PROHIBITED.

It shall be unlawful and an offense for any person to skate, either with ice or roller skates, or coast with any sled or roller coaster upon any crosswalk, sidewalk or public thoroughfare within the central business district of the city of Blanchard, Oklahoma.

§ 17-202 BICYCLES ON SIDEWALKS PROHIBITED.

It shall be an offense for any person to ride any bicycle on, over or along any sidewalk within the central business district of the city of Blanchard, Oklahoma, except at public crossings.

§ 17-203 DRIVING ON NEWLY-PAVED STREETS.

It shall be unlawful for any person to ride or drive any animal or to drive any vehicle over any newly-paved or under-construction street, avenue or alley in the city of Blanchard, Oklahoma, before the same shall have been formally opened by said city for public travel thereon; provided, that the contractor or other person having charge of such paving, shall erect and maintain barriers at the end of the streets, avenues and alleys on which such paving is being done, as well as at all street intersections thereon.

§ 17-204 ARTERIAL STREET CONSTRUCTION: IMPROVEMENT RESPONSIBILITIES.

A property owner(s) is responsible for all costs of improvements to all arterial streets abutting his property in compliance with the city of Blanchard street standards and subdivision regulations, as amended. (Ord. No. 2002-04, 6/17/02)

§ 17-205 ARTERIAL STREET CONSTRUCTION: ADDITIONAL IMPROVEMENT ALTERNATIVES.

A property owner(s) or the city of Blanchard, or both together, may improve arterial streets beyond the boundaries of the owner's property. Any such improvements, beyond the boundaries of the owner's approved development, will be voluntary and all costs will be paid by the owner(s), the city of Blanchard, or by both in any mutually agreed-to percentages, so long as such improvements are in accordance with the city of Blanchard street standards and subdivision regulations and according to the comprehensive plan of the city of Blanchard. If other than city funds are involved, an agreement will be signed by all parties making such improvements and the city of Blanchard delineating the boundaries and scope of the project. Based upon the agreement or the declaration by the city, a map and a list will be made a part of this agreement, which will show all abutting properties subject to recoupment. (Ord. No. 2002-04, 6/17/02)

§ 17-206 ARTERIAL STREET CONSTRUCTION: RECOUPMENT OF COSTS FOR ADDITIONAL CONSTRUCTION.

A. All eligible costs for additional improvements to arterial streets shall be recoverable by the owner, the city, or both as appropriate. Eligible recoverable arterial street development costs include the total improvement costs of the street, including, but not limited to, all right-of-way costs (both temporary and permanent) and costs for engineering, surveying, utility adjustments or relocation, excavation, sub-grade preparation, storm sewer installation or relocation (including culverts and bridges), four-lane pavement construction and

turn lanes (in accordance with the city of Blanchard's street standards, subdivision regulations and comprehensive plan), signalization, curbs and gutters, sidewalks, lighting, signage, other traffic control devices and other amenities, as might be required, plus two (2%) percent of the total of all above costs as an administrative fee to the city. Any of the above items paid for by general obligation bonds or funds from any other governmental entity which are not subject to repayment by the city of Blanchard shall be deducted in determining the total improvement costs, except for right-of-way costs provided for in subsection (b) below.

B. The city of Blanchard and/or the owner(s) who funded the eligible recoverable arterial street development costs shall be reimbursed for the total improvement costs of the street by the abutting property owners who are responsible for arterial street construction. The original funding entity(ies) shall recoup the appropriate pro-rata share for such construction. Additionally, the costs for all permanent right-of-way acquisition shall be charged back specifically to that property assignable to such costs, regardless of the source of funds used to acquire the property.

C. All properties physically contiguous to the right-of-way line of arterial street construction occurring after the effective date of this article shall be subject to the recoupment program charges. The only exceptions shall be those properties which have previously constructed arterial streets adjacent to such properties according to city of Blanchard requirements or those which have made payments for deferred construction prior to the city entering an agreement or commencing design of a designated street. Those exceptions shall be exempt from the obligations of this article and the corresponding pro-rata share shall be the responsibility of the city.

D. Each tract of property identified in sub§ (c) above shall be subject to the total arterial street improvement cost participation expense equal to such tract's pro-rata share, any applicable permanent right-of-way costs, and inflation/deflation adjustment. Calculation of the costs for each individual tract shall be determined as follows:

- a. Pro-rata share = $a - b$ with the difference divided by c and the quotient multiplied by d ($(a - b) / c \times d$) Where a = Total improvement costs, as identified in subsection (a) and b = Total permanent right-of-way costs and c = Total front footage of the project and d = Front footage of subject tract.
- b. Right-of-way cost = Actual price paid for acquisition of permanent right-of-way from subject tract.

- c. [Inflation/deflation adjustment =] Adjustment of sub§§ (1) and (2) using an inflation factor calculated using the engineering news record construction cost index. The inflation factor shall be a percentage increase applied to (1) and (2) that adjusts the amount due for these costs. The initial inflation factor will be calculated by dividing the January 2000 value by the January 1990 value. To account for the actual time between adoption of the resolution and repayment of the obligation, the resulting increase will be divided by ten (10) and multiplied by the decimal equivalent of the period covered measured in years. The inflation factor will be recalculated every five (5) years with the first recalculation occurring in January 2005. The value of the inflation factor in place at the time the council adopts the map and list for a project will be applied to that project until all funds are paid back or the obligation expires.

The total payments calculated in the sub§§ (1), (2), and (3) above shall become a liability against property subsequent to the contracting for street improvements. All such obligations shall be paid in full before the filing of a final plat for full development of the property.

E. Within sixty (60) days following acceptance by the city of the completed improvements of the subject arterial street, the city engineer, or his designated agent, shall prepare a tract map and list of the individually affected tracts and the estimated pro-rata share attributable to each such tract, hereinafter referred to as the "map and list." The map and list will also include all costs, if any, for right-of-way acquisition attributable to each tract. The map and list shall be made available to the owners of all fee interests in the affected properties. Notice of the map and list shall be filed of record in the office of the city clerk and the county clerk of the county in which the affected tracts are located. Upon written request to the city engineer, notice shall be given within a reasonable time to the requesting party of the most current estimate of the dollar value of the participation cost of any identified tract of property. Except with reference to the filing of notice of the map and list with the office of the city clerk, nothing shall be deemed a defect preventing the city from collecting the applicable recoupment cost under this article.

F. Any owner of a tract of property may, at any time after preparation of the map and list, cause the tract's total obligation to be paid to the city. Unless previously paid, the right-of-way cost and the pro-rata share attributable to each tract, with appropriate engineering news record construction cost index adjustments, is due prior to the filing of a final plat for any portion of the subject tract with the exception contained in sub§ (d), above. If less than the total subject tract is being final platted, the pro-rata share for the final plat shall be the greater

amount of either the percent of the total property final platted or the percent of the property frontage included in the plat. No such final plat shall be released for filing until the then due total costs are actually paid.

G. Each identified tract of property shall be subject to participation in the recoupment program commencing with the date that the street improvement contract is approved by the city of Blanchard. As the total street development cost cannot be determined and notice of the assessment of same cannot be delivered until completion of the street improvements, the director of public works of the city is hereby authorized to develop procedures for the review and approval, irrespective of the other provisions of this article, of platting procedures after authorization of the street improvements, but prior to the time that the property's total share of the participation cost is determined and can be paid. Such procedures are directed to include, to the extent feasible, the assurance to property owners and developers that plat approval may proceed so as not to retard the progress of private development plans, while, at the same time, to provide financial security to the city that the property's recoupment share will be paid upon final ascertainment of the amount owed.

H. Unless earlier paid, each defined tract's share of the participation cost shall continue as an obligation of the property for its determined share of the total street improvement costs, plus the appropriate inflation/deflation increase as outlined in sub§ (d)(3) above, for, and through, a period of fifteen (15) years from the date of issuance of the map and list required by sub§ (e) above. Beginning at year sixteen (16) and continuing through year twenty (20), the pro-rata share shall decrease at a rate of twenty (20%) percent of the pro-rata amount existing at the end of the fifteenth year until the pro-rata share obligation is reduced to zero dollars (\$0.00) and thus terminates at the end of the twentieth (20th) year from the date of issuance of the map and list.

ARTICLE 3

RESIDENTIAL STREET LIGHTING POLICY

§ 17-301 Residential street lighting policy.

§ 17-301 RESIDENTIAL STREET LIGHTING POLICY.

The Residential Street Lighting Policy, appended hereto, shall be and is hereby adopted as the official policy of the city of Blanchard. One (1) copy of the policy will be on file in the city clerk's office at all times. (Ord. No. 651, 2/28/17)

ARTICLE 4

PARADES AND PUBLIC ASSEMBLIES

- § 17-401 Purpose.
- § 17-402 Permit required.
- § 17-403 Definitions.
- § 17-404 Duties of the city.
- § 17-405 Application process.
- § 17-406 Fees.
- § 17-407 Standards for issuance.
- § 17-408 Permit required.
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- § 17-411 Appeals procedure.
- § 17-412 Notice to city and other officials.
- § 17-413 Contents of permit.
- § 17-414 Duties of permittee.
- § 17-415 Prohibitions.
- § 17-416 Public conduct.
- § 17-417 Revocation of permit.
- § 17-418 Penalty.
- § 17-419 Emergency cancellation/termination.

§ 17-401 PURPOSE.

A. The purpose of this ordinance is to establish an application and permitting procedure for every organization, group of persons, or entity which wishes to use public property, sidewalks, or public roads within the municipal limits of the city for an unofficial purpose or purposes in holding a parade, demonstration, rally, road closing or other such activity.

B. Nothing in this article shall be construed to limit, restrict, inhibit, reduce, or otherwise impact the right of the city or its authorities to schedule, authorize, oversee, or otherwise facilitate any parade, public assembly, demonstration, rally, road closing or other such event, if such events violate other laws, ordinances, regulations of the city or the state of Oklahoma.

§ 17-402 PERMIT REQUIRED.

A. Every organization, group of persons, or entity who wishes to use public property, sidewalks, or public roads within the municipal limits of the city for an unofficial purpose or purposes of holding a parade, public assembly, demonstration, rally, road closing, or other such activity is hereby required to

have a permit from the city for the privilege of engaging in any such activity within the city, unless such a permit is prohibited under state law or the activity is otherwise exempted by law, ordinance, or other valid regulation.

B. During the course of any permitted parade, public assembly, demonstration, rally, road closing, or other such event, there must at all times be some individual, authorized by the permit recipient, who possesses either the permit or a true copy thereof, and has such permit or copy available at the event for inspection on demand by persons authorized to enforce this ordinance, and has the authority to speak on behalf of and for the permit recipient.

C. This Section shall not apply to:

1. Funeral processions;
2. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities; and
3. A governmental agency acting within the scope of its functions.

§ 17-403 DEFINITIONS.

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

1. *Chief of Police* means the Chief of Police of the City of Blanchard or his/her designee.
2. *City* means the City of Blanchard.
3. *City Manager* means the City Manager of Blanchard or his/her designee.
4. *Demonstration* means a meeting or gathering of an organization, group of persons, or entity for a public display or for exhibiting feelings or concerns towards a person or a cause.
5. *Organization, Group of Persons, or Entity* shall mean any collection of persons, greater than five in number, who act together or as a unit.
6. *Parade* means any march, demonstration, procession, or motorcade, consisting of persons, animals or vehicles or a combination thereof upon the streets, sidewalks, or other public grounds within the City that interferes with

the normal flow or regulation of traffic upon the streets, sidewalks or other public grounds.

7. *Park* means an area owned or maintained by the City of Blanchard and used for the purpose of community gatherings, private functions, and recreation.

8. *Person* means any person, firm, partnership, association, corporation, company or organization of any kind.

9. *Public assembly* means any meeting, demonstration, picket line, rally or gathering of more than three (3) persons for a common purpose as a result of prior planning or membership in an organization, association, or other unit in or upon any street, sidewalk or other public grounds in a place open to the general public.

10. *Race* means any scheduled public event or gathering of persons for athletic events that move from one location to another such as bicycle or running races.

11. *Rally* means the public coming together of an organization, group of persons, or entity for an effort or a cause.

12. *Road Closing* means an activity of an organization, group of persons, or entity which requires, even for a brief time, the closure of a public way.

13. *Sidewalk* is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

14. *Street* is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way or median strip thereof.

15. *Unofficial Purpose* means an unofficial purpose shall be any purposes not commanded or directed by statute, ordinance, or other regulation to be performed by the state, county, city, or other governmental entity.

§ 17-404 DUTIES OF THE CITY.

The city shall have, among others, the following duties:

1. To prepare and provide the necessary forms for the application for a permit and for the submission of any required information as may be necessary to properly administer and enforce the provisions of this article.

2. To review the application for completeness and collect whatever application fee may be required; to designate or coordinate sites and set time schedules; to coordinate with the appropriate authorities on all matters concerning such activities; and, where appropriate, to receive input from the department of transportation, state highway patrol, the chief of police, the fire chief, the McClain County Sheriff's Office, and the Grady County Sheriff's Office, or any other necessary public officer, for the requested activity.

3. To forward application material to appropriate public safety entities or individuals for the collective input as to the impact the proposed parade, demonstration, rally, road closing, or other such activity shall have, if any, on the public's health, safety, and welfare. This assessment should include, but not be limited to the impact of the requested activity on the free flow of vehicular traffic, the free flow of pedestrian traffic, and the free movement of emergency vehicles.

4. To consider, process, and decide whether to issue permits upon applications submitted pursuant to this ordinance within thirty (30) days or less of the acceptance by the city of a completed application.

§ 17-405 APPLICATION PROCESS.

A. Every applicant for a permit under the provisions of this article shall submit an application for the permit to the city, which application shall conform to the requirements of this section in addition to any other provisions of this article.

B. Unless otherwise provided herein, each application shall be a written statement upon forms provided by the city and submitted within a reasonable time prior to the event, at least thirty (30) days prior to the planned activity for security checks, verifications, and arrangements to be made, as well as for input to be received from affected local and state entities.

1. While thirty (30) days is expressed as a minimum requirement for submission of an application under this article, the city reserves its right to implement content-neutral time, place, and manner restrictions on First Amendment activities, or to deny an application if insufficient time is available for the city to properly plan or prepare for the event requested in the application, if such inability creates one or more of the situations or conditions described below.

2. While thirty (30) days is expressed as a minimum requirement for submission of an application under this article, all applicants for whom it is possible to submit an application under this article prior to an event shall do so,

even if the application will be submitted within thirty (30) days of the event at issue. In such circumstances, the city will endeavor with all deliberate speed to process and make a decision on the application prior to the date of the event at issue. Nothing contained herein waives the city's right to implement content-neutral time, place, and manner restrictions on First Amendment activities, or to deny an application if insufficient time is available for the city to properly plan or prepare for the event requested in the application, if such inability creates one or more of the situations or conditions described below.

3. While thirty (30) days is expressed as a minimum requirement for submission of an application under this article, the city has no intention of suppressing spontaneous free speech activities which, because of their nature and/or need for immediate action, cannot conform to the application process. The foregoing notwithstanding, any spontaneous free speech activities must be preceded by at least forty-eight (48) hours advance notice to the city of Blanchard's Police Department. Nothing contained in this subsection shall be construed to limit, restrict, inhibit, reduce, or otherwise impact the right of the city or its authorities to enforce other local laws and/or the laws of the state of Oklahoma if such spontaneous speech activities violate said laws.

C. The city shall respond with a decision to grant or deny the application within thirty (30) days or less, if possible, of the receipt of the completed application, such time being necessary to process the application and obtain needed input from affected local and state agencies as hereinafter described.

D. The application for a parade, public assembly, demonstration, rally, road closing, or other such activity permit shall set forth the following information in writing:

1. The name, address and telephone number of the person seeking to conduct such parade, public assembly, demonstration, rally, road closing, or other such activity; this person should be the person in charge or chairperson of the parade, public assembly, demonstration, rally, road closing, or other such activity;

2. The names, addresses and telephone numbers of the headquarters of the organization for which the parade, public assembly, demonstration, rally, road closing, or other such activity is to be conducted, if any, and the authorized and responsible heads of the organization;

3. The requested date(s) of the parade, public assembly, demonstration, rally, road closing, or other such activity;

4. The location of the parade, public assembly, demonstration, rally, road closing, or other such activity and the route to be traveled, including the starting point and the termination point;

5. The hours when such parade, public assembly, demonstration, rally, road closing, or other such activity will start and terminate;

6. The statement as to whether the parade, public assembly, demonstration, rally, road closing, or other such activity will occupy all or only a portion of the width of the streets or sidewalks proposed to be traversed;

7. The location by street of any assembly areas for such parade, public assembly, demonstration, rally, road closing, or other such activity;

8. The time at which units of the parade, public assembly, demonstration, rally, road closing, or other such activity will begin to assemble at any such area;

9. The intervals of space to be maintained between units of such parade or public assembly;

10. If the parade, public assembly, demonstration, rally, road closing, or other such activity is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the chief of police or city manager authorizing the applicant to apply for the permit on his behalf;

11. The type and class of activity to be carried on, such as parade, public assembly, demonstration, rally, road closing, or other such activity, etc., including a description of activities planned during the event;

12. A description of any sound amplification equipment to be used in connection with the parade, public assembly, demonstration, rally, road closing, or other such activity;

13. The approximate number of participants (spectators are by definition not participants), including the type and number of animals and vehicles;

14. The approximate number of spectators reasonably anticipated;

15. A designation of any public facilities or equipment to be utilized;

16. Where the event is in an area covering two blocks or less of sidewalks, streets or other public property, the addresses of any properties that abut the location of the parade, public assembly, demonstration, rally, road closing, or other such activity;

17. Where the event is in an area covering two (2) blocks or less of sidewalks, streets or other public property, a signed statement by the permit applicant stating that all the addresses of any properties that abut the location of the parade, public assembly, demonstration, rally, road closing, or other such activity, have received notification of the event; and

18. Any additional information that the chief of police or town manager finds reasonably necessary to a fair determination as to whether a permit should issue.

E. Each application shall be signed and sworn to by the applicant, said signature to be by a partner, member, or officer.

§ 17-406 FEES.

The city council, by resolution, may establish such fees as are necessary and reasonable.

§ 17-407 STANDARDS FOR ISSUANCE.

A. The chief of police or city manager shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

1. The conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

2. The conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto that the deployment of police services for the proposed parade, public assembly, demonstration, rally, road closing, or other such activity would have an immediate and adverse effect upon the welfare and safety of persons and property;

3. The concentration of vehicles, persons and animals at public

assembly points of the parade, public assembly, demonstration, rally, road closing, or other such activity will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such parade, public assembly, demonstration, rally, road closing, or other such activity;

4. The conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity is not reasonably likely to cause injury to persons or property and will not, on its face, violate any federal, state or city law, regulation, or ordinance;

5. The parade, public assembly, demonstration, rally, road closing, or other such activity is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;

6. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any parade, public assembly, demonstration, rally, road closing, or other such activity areas;

7. There are sufficient parking places near the beginning and end sites of the parade, public assembly, demonstration, rally, road closing, or other such activity to accommodate the number of vehicles reasonably expected;

8. The applicant has paid all required fees;

9. No parade, public assembly, demonstration, rally, road closing, or other such activity permit application for the same time and location is already granted, or has been received and will be granted, and no event listed in Section 17-402(C) is already scheduled for the same time and location;

10. The conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity will not interfere with previously scheduled construction or maintenance projects upon or along streets or sidewalks;

11. No parade, public assembly, demonstration, rally, road closing, or other such activity permit application for the same time but different location is already granted or has been received and will be granted, and the Police resources required for that prior parade, public assembly, demonstration, rally, road closing, or other such activity are so great that, in combination with the subsequent proposed permit, the resulting deployment of Police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and

12. No event is scheduled elsewhere in the city where the police

resources required for that event are so great that the deployment of police services for the proposed parade, public assembly, demonstration, rally, road closing, or other such activity would have an immediate and adverse effect upon the welfare and safety of persons and property.

B. No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk or right-of-way unless advance approval for the erection or replacement of the structure is obtained from the city council.

C. No permit shall be granted that allows a parade, public assembly, demonstration, rally, road closing, or other such activity to occur between the hours of 10:00 p.m. and 8:00 a.m.

D. In determining whether to grant or deny a permit, the chief of police or city manager shall not consider:

1. The content of the speech, message, views or expression of the parade, public assembly, demonstration, rally, road closing, or other such activity or its participants;

2. The potential conduct of spectators and other nonparticipants in response or reaction to the content of the speech, message, views or expression of the parade, public assembly, demonstration, rally, road closing, or other such activity or its participants.

§ 17-408 NONDISCRIMINATION.

The chief of police or city manager shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this chapter based upon speech content or upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

§ 17-409 NOTICE OF GRANT OR DENIAL OF APPLICATION.

A. The chief of police or city manager shall act promptly upon a timely filed application for a parade, public assembly, demonstration, rally, road closing, or other such activity permit but in no event shall grant or deny a permit less than forty-eight (48) hours prior to the event.

B. If the chief of police or city manager waives the minimum filing period and accepts for processing an untimely application, he shall act upon the application as expeditiously as possible, but must grant or deny the permit prior

to the commencement of the proposed event.

C. If the chief of police or city manager disapproves the application, he shall promptly notify the applicant of his action in writing, either by personal delivery or certified mail, and state the reasons for denial.

§ 17-410 ALTERNATIVE PERMIT.

A. The chief of police or city manager, in denying an application for a parade, public assembly, demonstration, rally, road closing, or other such activity permit, may authorize the conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the chief of police or city manager, file a written notice of acceptance with the chief of police or city manager.

B. An alternate parade, public assembly, demonstration, rally, road closing, or other such activity permit shall conform to the requirements of, and shall have the effect of, a parade, public assembly, demonstration, rally, road closing, or other such activity permit issued under this chapter.

§ 17-411 APPEAL PROCEDURE.

Any applicant shall have the right to appeal the denial of a permit to the city council. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the city clerk and a copy of the notice with the city clerk. The city council shall act upon the appeal at the next regularly scheduled meeting following receipt of the notice of appeal.

§ 17-412 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a parade, public assembly, demonstration, rally, road closing, or other such activity permit, the chief of police shall send a copy thereof to the following:

1. The city manager;
2. The fire chief;
3. The director of the department of public works; and
4. The city council.

§ 17-413 CONTENTS OF PERMIT.

Each parade, public assembly, demonstration, rally, road closing, or other such activity permit shall state the following information:

1. Starting and approximate ending time;
2. Minimum speed of parade units;
3. Maximum speed of parade units;
4. Maximum interval of space to be maintained between parade units;
5. The portions of the streets that may be occupied by the parade, public assembly, demonstration, rally, road closing, or other such activity;
6. The maximum length of the parade or race in miles or fractions thereof; and
7. Such other information as the chief of police or city manager shall find necessary to the enforcement of this chapter.

§ 17-414 DUTIES OF PERMITTEE.

A. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances; and

B. The parade, public assembly, demonstration, rally, road closing, or other such activity chairperson or other person in charge of such activity shall carry the parade, public assembly, demonstration, rally, road closing, or other such activity permit upon their person during the conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity.

§ 17-415 PROHIBITIONS.

The following prohibitions shall apply to all parades, public assemblies, demonstrations, rallies, road closings, or other such activities:

1. It shall be unlawful for any person to stage, present or conduct any parade, public assembly, demonstration, rally, road closing, or other such activity without first having obtained a permit as herein provided;

2. It shall be unlawful for any person to participate in a parade, public assembly, demonstration, rally, road closing, or other such activity for which the person knows a permit has not been granted;

3. It shall be unlawful for the chairperson or any person in charge of, or responsible for the conduct of, a duly licensed parade, public assembly, demonstration, rally, road closing, or other such activity to knowingly fail to comply with any condition of the permit;

4. It shall be unlawful for any person to engage in any parade, public assembly, demonstration, rally, road closing, or other such activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

5. It shall be unlawful for any person participating in any parade, public assembly, demonstration, rally, road closing, or other such activity to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is two inches (2") or less in thickness and two inches (2") or less in width, or if not generally rectangular in shape, such object shall not exceed two inches (2") in its thickest dimension;

6. It shall be unlawful for any person participating in a parade, public assembly, demonstration, rally, road closing, or other such activity to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Federal, State, or City law, regulation, or ordinance; and

7. It shall be unlawful for any person to ride, drive, or cause to be ridden or driven, any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

8. It shall be unlawful for any individual or group participating in a parade, public assembly, demonstration, rally, road closing, or other such activity to conduct such parade, public assembly, demonstration, rally, road closing, or other such activity outside of the scope of the issued permit. For the purpose of this section, the scope of the permit is the information provided on the application as required above.

§ 17-416 PUBLIC CONDUCT.

A. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade, public assembly, demonstration, rally, road closing,

or other such activity or with any person, vehicle or animal participating or used in a parade, public assembly, demonstration, rally, road closing, or other such activity;

B. No driver of a vehicle shall drive between the vehicles or persons comprising a parade, public assembly, demonstration, rally, road closing, or other such activity when such vehicles or persons are in motion and are conspicuously designated as a parade, public assembly, demonstration, rally, road closing, or other such activity; and

C. The chief of police or city manager shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade, public assembly, demonstration, rally, road closing, or other such activity. The chief of police or city manager shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

§ 17-417 REVOCATION OF PERMIT.

The chief of police or city manager shall have the authority to revoke a parade, public assembly, demonstration, rally, road closing, or other such activity permit instantly upon violation of the conditions or standards for issuance as set forth in this chapter or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade, public assembly, demonstration, rally, road closing, or other such activity would have an immediate and adverse effect upon the welfare and safety of persons or property.

§ 17-418 PENALTY.

Any person, firm or corporation who violates or fails to comply with any of the provisions of this Ordinance or who, having obtained a permit hereunder, willfully fails to continue to comply with the conditions set forth in this ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in §8-301 of this code of ordinances. Each day upon which a violation continues shall be deemed a separate offense.

§ 17-419 EMERGENCY CANCELLATION/TERMINATION.

The chief of police may order an activity requiring a permit to terminate and disperse in the event of a natural calamity or in the event public peace is breached and/or life and/or property is in eminent danger. [Ord. No. 632, 5/3/16]

ARTICLE 5

LIMITED ACCESS FACILITY SYSTEM

- § 17-501 Limited access facility system established.
- § 17-502 Designation of limited access facilities.
- § 17-503 Regulation and use of limited access facilities.
- § 17-504 Zoning ordinances not affected.

§ 17-501 LIMITED ACCESS FACILITY SYSTEM ESTABLISHED.

Pursuant to 69 O.S. 1981, Sections 1301 to 1331, both inclusive, as amended, a system of limited access facilities, consisting of the streets, avenues, boulevards, and ways and parts of streets, avenues, boulevards and ways hereinafter described, is hereby established and created within the corporate limits of the City of Blanchard, Oklahoma, as now existing or as the same may be hereafter extended, and in recognition of the general use of said streets, avenues, boulevards and ways and parts thereof, and of the wear and destruction of the same by heavy general traffic thereon, including passenger automobiles, buses, trucks, and other vehicles, and to the extent that the costs of acquisition of rights of ways and property necessary in the establishment of said limited access facilities exceed the benefits to property abutting thereon, such limited access facilities are hereby declared to be improvements of a general nature, and such costs, to the extent that they exceed the benefits to property abutting thereon, are hereby declared to be costs of a general nature. [Ord. No. 669, 3/28/18]

§ 17-502 DESIGNATION OF LIMITED ACCESS FACILITIES.

The following streets, avenues, boulevards and ways and parts of streets, avenues, boulevards and ways within the corporate limits of the City of Blanchard, Oklahoma, as now existing, or as the same may be hereafter extended, are hereby designated as limited access facilities (no through truck traffic) and as arterial highways, the same being streets or highways especially designed for through traffic, and the City Council of said city may otherwise protect the right of way of vehicles thereon, said arterial highways being described as follows, to-wit:

- A. No Through Truck Traffic:
 - 1. All local streets; and
 - 2. All section line roads.

B. Truck Routes and Alternates:

1. US-62 Highway (Veterans Memorial Highway);
2. OK-76 State Highway; and
3. 10th Street NW between US-62 and OK-76. [Ord. No. 669, 3/28/18]

§ 17-503 REGULATION AND USE OF LIMITED ACCESS FACILITIES.

The use of limited access facilities within said city shall be regulated and controlled by the traffic ordinances of said city as now existing or hereafter enacted or amended. [Ord. No. 669, 3/28/18]

§ 17-504 ZONING ORDINANCES NOT AFFECTED.

Nothing herein contained shall be construed to affect any zoning ordinance or part thereof relating to the construction or use of improvements on property abutting on any limited access facility. [Ord. No. 669, 3/28/18]

ARTICLE 6

PENALTY

§ 17-601 Penalty.

§ 17-601 PENALTY.

1. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in §17-101, after receiving ten (10) days' notice from the code enforcement officer or any police officer or fireman 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 not to exceed the limits established in §8-301 of this code of ordinances. Every day upon which a violation continues shall be deemed a separate offense. [Ord. No. 669, 3/28/18]

CHAPTER 18

TRAFFIC

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ARTICLE 2

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§ 18-101 CITATION OF CHAPTER.

The chapter and all amendments hereto may be cited or referred to as the "Traffic Code, city of Blanchard", and may so appear upon all official documents, records or instruments. (Ord. No. 2009-05, 4/28/09)

§ 18-102 TRAFFIC CODE CONTROLLING.

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling and apply to the use of city streets, alleys, thoroughfares, parks parkways, public parking lots, school driveways, streets, parking lots, or any other public right-of-way or municipally-owned land, including streets and other ways that form the boundary line of the city, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest. (Ord. No. 2009-05, 4/28/09)

§ 18-103 DEFINITIONS.

As used herein:

1. "*Alley*" means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings;
2. "*Ambulance*" means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons;
3. "*Bicycle*" means a device propelled by human power upon which any person may ride, having two (2) tandem wheels;
4. "*Bus*" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

5. "*Business district*" means the territory contiguous to, and including a highway if there are buildings within six hundred (600) feet of the highway in use for businesses or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway;

6. "*Controlled access highway*" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway;

7. "*Commercial vehicles*" means every vehicle designed, maintained, or used primarily for the transportation of property;

8. "*Center lane*" means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway. If vehicles be parked on each side of the roadway, then the center lane is equally distanced from the edges of the parked vehicles;

9. "*Cross walk*" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Cross walk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

10. "*Double park*" means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway;

11. "*Driver or operator*" means a person who drives or is in actual physical control of a vehicle;

12. "*Emergency*" means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous

assembly of large numbers of pedestrians in such a manner as to impeded the flow of traffic;

13. "*Emergency vehicle*" means vehicles of the fire department, police vehicles and ambulances;

14. "*Highway*", see street;

15. "*Intersection*" means:

- a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or
- b. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersection street, shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then ever crossing of two (2) roadways of such streets shall be regarded as separate intersections;

16. "*Laned roadway*" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

17. "*Limited access highway*", see controlled access highway;

18. "*Loading zone*" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A freight curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a passenger curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers;

19. "*Limit lines*" means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required;

20. "*Motor cycle, motor scooter, and motor bicycle*" mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on no more than three (3) wheels in contact with the ground, but excluding a tractor;

21. "*Motor vehicle*" means every vehicle which is self-propelled;
22. "*Official time*" shall mean whenever certain hours are named herein they shall mean central standard time, or daylight savings time, as may be in current use in the city;
23. "*Official traffic control device*" means all signs, signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;
24. "*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, providing such loading and unloading is an authorized place;
25. "*Pedestrian*" means any person a foot;
26. "*Police officer*" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violation of traffic regulations;
27. "*Private road or roadway*" means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner;
28. "*Public parking lot*" means a parking lot or right of way dedicated to the public use or owned by the state or a political subdivision thereof;
29. "*Railroad*" means a carrier of persons or property upon cars other than streetcars operated upon stationary rails;
30. "*Railroad train*" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;
31. "*Residence district*" means the territory contiguous to and including a highway not comprising a business district;
32. "*Right-of-way*" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

33. "*Roadway*" means that portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. 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;

34. "*Safety zone*" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone;

35. "*School zone*" means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of three hundred (300) feet in each direction;

36. "*Sidewalk*" means that portion of a street between the curblines or at lateral lines of the roadway and adjacent property lines, intended for the use of pedestrians;

37. "*Stand*" or "*standing*" means any stopping of a vehicle whether occupied or not;

38. "*Stop*", when required, shall mean the complete cessation from movement;

39. "*Stop or stopping*", when prohibited, 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 direction of a police officer or traffic signal;

40. "*Street or highway*" means the entire width between the boundary liens of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel;

41. "*Through street or highway*" means a street, or boulevard or highway or portion thereof at the entrances to which:

- a. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and
- b. Stop signs are erected as provided in this part;

42. "*Traffic*" means pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel;

43. "*Traffic control devices or signals*" mean any device legally authorized and used for the purpose of regulating, warning or guiding traffic;

44. "*Urban district*" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more;

45. "*U-turn*" means a turn by which a vehicle reverses its course of travel on the same street; and

46. "*Vehicle*" means every device in, upon or by which any person or property is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Definitions, state traffic code, 47 O.S. §1-101 et seq.

§ 18-104 ADOPTION OF STATE TRAFFIC CODE.

The Oklahoma Highway Traffic Safety Code (Title 47 of the 2011 Oklahoma Statutes, as amended, and every ten (10) years recodification thereof) is hereby adopted and incorporated in the Code of Ordinances of the City of Blanchard, Oklahoma, by reference, for the purposes of establishing locally appropriate rules and regulations for the control of traffic within said Municipality, and is enforceable by the City within the City limits, as if set out in length herein. (47 O.S. 2011, §§ 1-101 – 1603) The adoption of this code shall not repeal any existing portion of this Chapter but shall be in addition thereto. [Ord. No. 2009-05, 4/28/09; Ord. No. 637, 6/28/16]

State Law Reference: State rules of the road, 47 O.S. §11-101 et seq.; state motor vehicle code, 47 O.S. §1-101 et seq.

ARTICLE 2

ENFORCEMENT AND GENERAL PROVISIONS

§ 18-201 Enforcement of traffic laws; establishment of traffic control divisions.

- § 18-202 Direction of traffic by hand or voice.
- § 18-203 Direction of traffic by unauthorized persons.
- § 18-204 Obedience to police and fire officials.
- § 18-205 Emergency and experimental regulations.
- § 18-206 Push carts, riding animals, or driving animal drawn vehicles to comply with code.
- § 18-207 Use of coasters, roller skates, and similar devices restricted.
- § 18-208 Public officers and employees to obey traffic regulations.
- § 18-209 Persons working on streets, exceptions.
- § 18-210 Maintenance and construction zones.
- § 18-211 Authorized emergency vehicles.
- § 18-212 Operation of vehicles on approach of authorized emergency vehicles.
- § 18-213 Eluding police officers.
- § 18-214 Following emergency vehicles prohibited.
- § 18-215 Crossing fire hose.
- § 18-216 Possession of valid driver's license required.
- § 18-217 Operation of vehicle on invalid license prohibited; unlawful to commit other unlawful acts with drivers license or identification card.
- § 18-218 Unlawful to operate vehicle without state vehicle license.
- § 18-219 Permitting unauthorized person to drive prohibited.
- § 18-220 Accidents, duty to stop, leaving scene of accident.
- § 18-221 Duty of striking unattended vehicles, fixtures.
- § 18-222 Reporting accidents.
- § 18-223 Issuance of citation tags.
- § 18-224 When copies of citations shall be deemed a lawful complaint.
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- § 18-226 Presumption in reference to illegal parking.
- § 18-227 Illegal cancellation of traffic citations.
- § 18-228 Court records; abstract to be sent to state department of public safety.
- § 18-229 Insurance or certificate required.

§ 18-201 ENFORCEMENT OF TRAFFIC LAWS; ESTABLISHMENT OF TRAFFIC CONTROL DIVISIONS.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this city and all the state vehicle laws applicable to street traffic in this city. Officers of the department shall make arrests for traffic violations, investigate accidents, and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the department by this part and any other traffic ordinances of this city. Officers may issue written notice to appear to any driver

of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident. (Ord. No. 2009-05, 4/28/09)

§ 18-202 DIRECTION OF TRAFFIC BY HAND OR VOICE.

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand, or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire, or other emergency, may direct or assist the police in directing traffic in the immediate vicinity. (Ord. No. 2009-05, 4/28/09)

§ 18-203 DIRECTION OF TRAFFIC BY UNAUTHORIZED PERSONS.

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present. (Ord. No. 2009-05, 4/28/09)

§ 18-204 OBEDIENCE TO POLICE AND FIRE OFFICIALS.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (Prior Code §18-120; Ord. No. 2009-05, 4/28/09)

§ 18-205 EMERGENCY AND EXPERIMENTAL REGULATIONS.

A. The city manager, subject to any directions which the council may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this city and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

B. The city manager may have traffic control devices tested under actual conditions of traffic. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-206 PUSH CARTS, RIDING ANIMALS, OR DRIVING ANIMAL-DRAWN VEHICLES TO COMPLY WITH CODE.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions; 47 O.S. §11-104.

§ 18-207 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICE RESTRICTED.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk; and when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinances of this city. (Ord. No. 2009-05, 4/28/09)

§ 18-208 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, any state, county, city, or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted by state statute. This chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty. (Prior Code §18-121; Ord. No. 2009-05, 4/28/09)

State Law Reference: Municipal drivers to obey state rules of the road, 47 O.S. §16-103.

§ 18-209 PERSONS WORKING ON STREETS, EXCEPTIONS.

Unless specifically made applicable, the provisions of this chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles, and other equipment while actually engaged in construction, maintenance, or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices, or flag persons. The

provisions of this chapter shall apply to any of the persons and vehicles exempted by this section when traveling to and from such work. (Prior Code §18-127; Ord. No. 2009-05, 4/28/09)

§ 18-210 MAINTENANCE AND CONSTRUCTIONS ZONES.

A. City personnel or contractors, while repairing or improving the streets of the city, and city personnel and utility companies, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to any direction given by city council by motion or resolution, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising this authority, the appropriate personnel, contractor or utility company shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of subsection A 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 such traffic control devices or barricades, or otherwise to enter the closed area.

The provision of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair or maintenance of any street or utility line or facility is being performed under traffic, the city personnel, contractor, or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings, flagpersons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. (Prior Code §18-126; Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-211 AUTHORIZED EMERGENCY VEHICLES.

A. The 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 ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not returning from a fire alarm:

1. Park or stand, irrespective of the provisions of this chapter;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as life or property is not endangered; or
4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, 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.

D. The provisions of this section 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. (Prior Code §18-8; Ord. No. 2009-05, 4/28/09)

State Law Reference: Emergency vehicle driving rules, 47 O.S. §11-106.

§ 18-212 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

A. 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.

B. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Authorized emergency vehicles and their equipment, 47 O.S. §11-106, §11-405, and §12-218; approach of emergency vehicles, 47 O.S. §11-405.

§ 18-213 ELUDING POLICE OFFICERS.

A. No person operating a motor vehicle who has received a visual and audible signal (a red light and a siren in the case of a clearly designated police vehicle driven by a police officer) directing the operator to bring his vehicle to a stop shall willfully increase his speed or extinguishes his lights or in any other manner attempt to or actually elude such police officer. (Prior Code §18-131; Ord. No. 2009-05, 4/28/09)

§ 18-214 FOLLOWING EMERGENCY VEHICLES PROHIBITED.

The driver of any vehicle other than the one on official business shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus, or other emergency vehicle traveling in response to an emergency call or request closer than five-hundred (500) feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call. (Prior Code §18-132; Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-1108(a).

§ 18-215 CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command. (Prior Code §18-133; Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions 47 O.S. §11-1109.

§ 18-216 POSSESSION OF VALID DRIVER'S LICENSE REQUIRED.

A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this section shall be convicted if he produces in court an operator's or chauffeur's license issued to him and valid at the time of his arrest.

B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Driver's licenses, 47 O.S. §6-101.

§ 18-217 OPERATION OF VEHICLE ON INVALID LICENSE PROHIBITED; UNLAWFUL TO COMMIT OTHER UNLAWFUL ACTS WITH DRIVERS LICENSE OR IDENTIFICATION CARD.

A. No person shall operate a motor vehicle when his privilege to do so is canceled, suspended, revoked or denied. Any person convicted of violating this section shall be punished as provided in schedule of fines section of this code. Each act of driving on the streets or highways as prohibited by this section shall constitute a separate offense.

B. It is unlawful for any person

1. To lend one's own license or identification card to any other person or knowingly permit the use thereof by another,

2. To display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,

3. To permit any unlawful use of a license or identification card issued to oneself, or

4. To add to, delete from, alter, or deface the required information on a driver license or identification card. (Ord. No. 2009-05, 4/28/09)

§ 18-218 UNLAWFUL TO OPERATE VEHICLE WITHOUT STATE VEHICLE LICENSE; OBSTRUCTED LICENSE PLATE.

A. It is unlawful to operate a vehicle of any kind upon a street of the city without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law.

B. The license plate, decal and all letters and numbers shall be clearly visible at all times. The operation of a vehicle upon which the license plate is covered, overlaid, obstructed, or otherwise screened with any material, whether such material be clear, translucent, tinted, or opaque, shall be a violation of this

section. [Ord. No. 2009-05, 4/28/09; Ord. No. 638, 6/28/16]

§ 18-219 PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED.

No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle. (Ord. No. 2009-05, 4/28/09)

§ 18-220 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.

A. The driver of any vehicle involved in an accident will move his/her vehicle off the roadway except in cases of vehicle immobility, serious injuries or death of any person, and shall remain at the scene of the accident until he/she has fulfilled the requirements of sub§§ C and D hereof. Every effort shall be made to move the vehicles off the roadway without further jeopardizing the safety of those at the scene.

B. The driver of any vehicle involved in an accident resulting only in damage to a vehicle, which is driven or attended by any person, shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements of sub§ C hereof. Every such stop shall be made without obstructing traffic more than is necessary.

C. The driver of any vehicle involved in an accident shall give his correct name and address and the registration number of the vehicle he is driving; and shall exhibit his operator's or chauffeur's license to the person struck, or the driver, or person injured in the accident reasonable assistance. If the driver does not have any operator's or chauffeur's license in his possession, he shall exhibit other valid evidence of identification to the occupants of a vehicle, or to the person collided with.

D. The driver shall upon request and if available exhibit his operator's or chauffeur's license and his security verification form, to the person struck 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 of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

E. Any driver of any vehicle involved in an accident who is cited for any traffic offense where said accident resulted in the immediate death of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of 47 O.S. §752 and the procedures found in §752 shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

F. 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 punished as provided in §8-301 of this code. (Prior Code §18-11; Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, accident reports, 47 O.S. §10-101 et seq.

§ 18-221 DUTY OF STRIKING UNATTENDED VEHICLES, FIXTURES.

A. The driver of any vehicle which collides with a vehicle which is unattended shall immediately stop, and shall then and there either locate and notify the operator or owner of the vehicle, of the correct name and address of the driver and the owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in or on the vehicle struck a written notice giving the correct name and address of the driver and of the owner of the vehicle doing the striking, and shall provide the same information to an officer having jurisdiction.

B. The driver of any vehicle involved in an accident resulting in damage to fixtures legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property, of the fact, and of his name and address, and of the registration number of the vehicle he is driving, and shall exhibit his operator's or chauffeur's license, if the operator's or chauffeur's license is in his possession at that time, and the driver shall make report of such accident when and as required by law. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §10-105.

§ 18-222 REPORTING ACCIDENTS.

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 unless settlement of the collision has been made within six (6) months after the date of the accident. 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. (Prior Code §18-11; Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §10-108.

§ 18-223 ISSUANCE OF CITATION TAGS.

A. Police officers are hereby authorized to give notice to persons violating provisions of this article by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.

B. Nothing in this section shall be construed to abridge the power of the police officer to arrest any violator and take him into custody.

C. The chief of police may require that the police officers use citation tags furnished by the city and that such tags are serially numbered, and may regulate the use and handling of the citation tags. (Ord. No. 2009-05, 4/28/09)

§ 18-224 WHEN COPIES OF CITATIONS SHALL BE DEEMED A LAWFUL COMPLAINT.

In the event that form of citation provided herein includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter. (Ord. No. 2009-05, 4/28/09)

§ 18-225 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 days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning

him that in the event such letter is disregarded for the specified period of 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. (Ord. No. 2009-05, 4/28/09)

§ 18-226 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with the proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

B. The presumption in sub§ A of this section shall apply only when the procedure as prescribed in this section has been followed. (Ord. No. 2009-05, 4/28/09)

§ 18-227 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. (Ord. No. 2009-05, 4/28/09)

§ 18-228 COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.

A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicle on highways, the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the state department of public safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The municipal judge or court clerk shall not make such a report of a conviction involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour.

D. 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. (Ord. No. 2009-05, 4/28/09)

§ 18-229 INSURANCE OR CERTIFICATE REQUIRED.

A. The owner of a motor vehicle registered in this state and operating the vehicle within the city's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been issued by the state department of public safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the compulsory insurance law according to records of the department of public safety and which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

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

1. "Owner's Policy" means an owner's policy of liability insurance which:

- a. Shall designate by explicit description or by appropriate reference all vehicle with respect to which coverage is thereby to be granted;
- b. Shall insure the person named therein and insure any other person, except as provided in subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;
- b. May provide for exclusions from coverage in accordance with existing laws; and
- d. Shall be issued by an authorized carrier providing coverage in accordance with §7-204 of Title 47 of the Oklahoma statutes;

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

- a. A policy or bond meeting the requirements of §7-204 of Title 47 of the Oklahoma statutes;
- b. A deposit of cash or securities having the equivalency of limits required under §7- 204 of Title 47 of the Oklahoma statutes as acceptable limits for a policy or bond; or
- c. Self-insurance, pursuant to the provisions of §7-503 of Title 47 of the Oklahoma statutes, having the equivalency of limits required under §7-204 of Title 47 of the Oklahoma statutes as acceptable limits for a policy or bond;

4. "*Compulsory insurance law*" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and §7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security verification form" means a form, approved by the state board for property and casualty rates, verifying the existence of security required by the compulsory insurance law of the state of Oklahoma;

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from the coverage thereon; or an equivalent form issued by the department of public safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of an offense and upon conviction shall be subject to a fine as provided in §8-301 of this code.

F. 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 of such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge. Court costs may be assessed by the city.

G. Upon conviction or bond forfeiture, 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. (Prior Code §18-123(4)(5)(6)(7)(8)(9)(10); Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §7-601 et seq.

ARTICLE 3

VEHICLE EQUIPMENT, INSPECTION

- § 18-301 Certain vehicles prohibited, vehicles injurious to streets.
- § 18-302 Obstructive and dangerous vehicles.
- § 18-303 Equipment.
- § 18-304 Mufflers, cut-outs.
- § 18-305 Width, height, length and load.
- § 18-306 Inspection of vehicles.
- § 18-307 Municipally owned all-terrain vehicles and municipally owned golf carts.

§ 18-301 CERTAIN VEHICLES PROHIBITED, 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. (Prior Code §18-50(1); Ord. No. 2009-05, 4/28/09)

State Law Reference: Required equipment of vehicles, 47 O.S. §12-101 et seq.

§ 18-302 OBSTRUCTIVE AND DANGEROUS VEHICLES.

No person shall drive any vehicle in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the chief of police and in accordance with the terms of such permit. (Prior Code §§18-50(2), 18-129 & 18-134; Ord. No. 2009-05, 4/28/09)

§ 18-303 EQUIPMENT.

Every vehicle operated upon the streets of the city shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the city which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the city. (Ord. No. 2009-05, 4/28/09)

State Law Reference: For state law relating to equipment, see 47 O.S. §12-201 et seq.

§ 18-304 MUFFLERS, CUT-OUTS.

It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise. No muffler cut-out, by-pass or similar muffler elimination device, exhaust or vacuum whistle shall be used on any motor vehicle while operating within the city; however exhaust whistles may be used on authorized emergency vehicles. (Ord. No. 2009-05, 4/28/09)

§ 18-305 WIDTH, HEIGHT, LENGTH AND LOAD.

No person shall drive 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. (Prior Code §18-51; Ord. No. 1999-08, 6/8/99; Ord. No. 2009-05, 4/28/09)

Cross Reference: See also §18-535 of this code on trucks.

State Law Reference: For state law relating to size, weight, and load, see 47 O.S. §14-101 et seq.

§ 18-306 INSPECTION OF VEHICLES.

A. No person shall drive or move on any road, street, or highway of this city any motor vehicle, including motorcycles, trailers, semi-trailers, or pole trailers, which are licensed by the Oklahoma Tax Commission and operated on the streets or highways, of this city, or any combination thereof, unless the vehicle is:

1. In good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants; and

B. Any person who violates the provisions of this section shall upon conviction thereof, be subject to punishment as provided in §1-108 of this code. (Prior Code §§18-123(1) & 18-124; Ord. No. 1999-08, 6/8/99; Ord. No. 2009-05, 4/28/09)

Editor's Note: The provisions of this section shall not apply to any house trailer, which requires a permit to be moved upon the highways of this state.

State Law Reference: Similar provisions, 47 O.S. §13-101.

§ 18-307 ALL-TERRAIN VEHICLES AND GOLF CARTS.

A. Any person intending to operate an all-terrain vehicle or golf cart on any public roadway within the limits of the City of Blanchard shall obtain an operation permit from the City of Blanchard. The City of Blanchard shall issue a permit upon verification of the following items:

1. Annual fee as set be motion or resolution by the City Council. ***Editor's note the initial fee is \$25.00.***

2. Driver possesses a valid driver's license.

3. Proof of liability insurance that covers the all-terrain vehicle or golf cart.

B. Required Equipment for All-Terrain Vehicles Following Permit Issuance:

1. Standard mufflers shall be installed and attached to the ATV which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on the all-terrain vehicle. The apparatus shall not be audible for a distance more than two-hundred (200) feet from the place or places where such devices or apparatus will be located.

2. Brakes shall be installed adequately to control movement of and stop the all-terrain vehicle under any condition of operation.

3. At least one (1) clear headlamp shall be attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one-hundred (100) feet ahead during the hours of darkness and under normal atmospheric conditions, when the all-terrain vehicle is operated between the hours of one-half hour after sunset to 10pm, or at times of reduced visibility. Such headlamp shall be aimed so that glaring rays are not projected into the eyes of oncoming traffic. The all-terrain vehicle shall also be equipped with at least one (1) red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five-hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.

C. Restrictions on Operation of All-Terrain Vehicles Upon Public Roadways:

Once a permit has been issued to any person, it shall be unlawful for that person to drive any all-terrain vehicle or golf cart on the portion of any right of way of any public street, road, trail or alley used for motor vehicle travel, except a person may operate upon the most right-hand lane of a public street or alley unless herein or hereafter restricted, and may, in passing or making a left turn, operate on other lanes which are used for vehicle traffic in the same direction. Operation may be permitted upon the ditch bottom or outside bank of county or state highways which are so configured within the corporate limits. No travel is permitted on any state highway system within corporate limits unless making a perpendicular crossing of a state highway.

D. It shall be unlawful for any person to operate an all-terrain vehicle:

1. Upon any public sidewalk providing for pedestrian traffic.

2. Upon private property of another without written permission of the owner of person in control of said property.

3. Upon on any school grounds without written, signed, and dated permission of responsible school authorities.

4. Upon on any other public place or ground except as may be specifically permitted by other provisions of the ordinance.

5. At any place while under the influence of alcohol or drugs as defined by Oklahoma State Statute 47 OS 11 902, which is hereby incorporated herein by reference.

6. At a rate of speed greater than twenty-five (25) miles per hour.

7. At any place in a careless, reckless, or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damages to any person or property.

8. During the hours of 10:00pm to 7:00am, except that during said prohibited hours of operation, such operation shall be permitted when returning to the City of Blanchard for the purpose of following the most direct practical route from a point outside the city limits of the City of Blanchard to the residence of the operator or passenger, and except during prohibited hours of operation shall be permitted for the purpose of leaving the City of Blanchard by the most direct practical route to go to a specific destination outside of the City of Blanchard.

9. Without a headlight and taillight at night as consistent with this Chapter.

10. In any trees, nursery, or planting that damages or destroys growing stock or on any private property without the permission of the owner thereof.

11. Entering any intersection without yielding the right of way to any vehicles or pedestrians, which are at the intersection, or close to the intersection as to constitute an immediate hazard.

12. Leaving an all-terrain vehicle in a public place without locking the ignition, removing the key and taking the same with their person.

13. Intentionally driving, chasing, running over, or killing any animal with an all-terrain vehicle.

14. Operating or riding under the age of eighteen (18) without a safety helmet.

E. Exceptions.

The provisions of this chapter shall not apply to an all-terrain vehicle used by the governmental agencies in the pursuit of their duties or during emergency use. Nothing in this ordinance shall prohibit the use of all-terrain vehicles within the right of way of a state or county highway or upon public lands under the jurisdiction of the Oklahoma Department of Wildlife Conservation in an organized contest or even subject to the consent of the official or board having jurisdiction over the highway or public lands. Nothing in this ordinance shall prohibit the use of all-terrain vehicles within the right of way of a state or county highway or upon other public streets in the City of Blanchard during a parade.

F. All other traffic regulations applicable.

When at any time an all-terrain vehicle is operated within the right of way of a public roadway, but outside of the traveled portion, or when an all-terrain vehicle is operated as permitted in crossing a public roadway, all other traffic regulations of the City of Blanchard, including, but not limited to, those permitting to operating or being in actual physical control of a motor vehicle while intoxicated shall be applicable to the operators of such. Furthermore, for the purpose of enforcing traffic regulations at any time that an all-terrain vehicle is within the right of way of a public roadway or lawfully upon the traveled portion of a public roadway, the all-terrain vehicle shall be deemed to be a motor vehicle, as subject to all rules, ordinances, statutes, and regulations pertaining as the same term as defined by Oklahoma State Statutes 47-1-134.

G. Operation of All-Terrain Vehicles by minors.

All-terrain vehicle operators who are minors and wish to operate all-terrain vehicles within the City of Blanchard are subject to the following conditions in addition to those required for adult operators:

1. No minor under sixteen (16) years of age shall be permitted to operate an all-terrain vehicle in the City of Blanchard.
2. All minors at least sixteen (16) years of age but less than eighteen (18) years of age may operate an all-terrain vehicle subject to the restrictions in this chapter if the minor possesses a valid driver's license and wears a safety helmet approved by the Department of Public Safety.

H. Penalty.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be subject to a \$200.00 fine and/or arrest. (Ord. No. 2009-05, 4/28/09; Ord. No. 707, 8/27/19)

ARTICLE 4

SPEED REGULATIONS

- § 18-401 Speed limits generally, exceptions.
- § 18-402 School zones.
- § 18-403 Speed never to exceed that which is reasonable or prudent for existing conditions; specifications.
- § 18-404 Minimum speed requirements; exceptions.
- § 18-405 Obedience to maximum and minimum speed limits.

§ 18-401 SPEED LIMITS GENERALLY, EXCEPTIONS.

A. No vehicle shall be driven at a greater speed than twenty-five (25) miles per hour in the city except;

1. On designated and numbered state and federal highways, the maximum is as posted;
2. Emergency vehicles being lawfully driven as provided in this code;
3. When a different speed limit is otherwise designated and posted; or
4. When a different speed limit is established and posted as required in this code.

B. City personnel, subject to such direction as the city council may give by motion or resolution, may reduce or increase the speed limits provided in this code, and when so provided, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit. (Ord. No. 575, 10/9/12)

State Law Reference: Basic and minimum speed rules, 47 O.S. §§11-801 et seq.

§ 18-402 SCHOOL ZONES.

No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Local authority to set reduced school zones, 47 O.S. §§18-806.1.

§ 15-403 SPEED NEVER TO EXCEED THAT WHICH IS REASONABLE OR PRUDENT FOR EXISTING CONDITIONS; SPECIFICATIONS.

No person shall drive a vehicle at a speed greater or less than is reasonable or prudent under the conditions then existing, taking into consideration among other things, the condition of the vehicle, the traffic, roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways, and the obstruction of views. No person shall drive any vehicle at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead. (Ord. No. 2009-05, 4/28/09)

§ 18-404 MINIMUM SPEED REQUIREMENTS; EXCEPTIONS.

No vehicle shall be driven at such an unreasonable slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable. (Ord. No. 2009-05, 4/28/09)

§ 18-405 OBEDIENCE TO MAXIMUM AND MINIMUM SPEED LIMITS.

Subject to other provisions of this chapter, where official signs and markings give notice of both maximum or minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum nor slower than the minimum except as required by an authorized officer or in obedience to posted official signs. [Ord. No. 2009-05, 4/28/09; Ord. No. 676, 6/26/18]

ARTICLE 5

DRIVING, OVERTAKING, PASSING

- § 18-501 Changing lanes.
- § 18-502 Driving on right side of roadway required; exceptions.
- § 18-503 When overtaking on the right is permitted.
- § 18-504 Overtaking a vehicle on the left.
- § 18-505 Limitations on overtaking on the left; exceptions.

- § 18-506 Passing vehicles proceeding in opposite directions.
- § 18-507 One-way roadways and rotary traffic islands.
- § 18-508 Following to close.
- § 18-509 No passing zones.
- § 18-510 Driving through funeral or other procession prohibited; exceptions.
- § 18-511 Drivers in a procession.
- § 18-512 Funeral processions to be identified.
- § 18-513 Overtaking and passing in school zones.
- § 18-514 Overtaking and passing school bus.
- § 18-515 School bus requirements; lights; signs; painting.
- § 18-516 Driving of vehicles on sidewalk prohibited; exception.
- § 18-517 Limitations on backing vehicle.
- § 18-518 Limitations on use of motorcycles, bicycles and motor scooters.
- § 18-519 Required motorcycle equipment, headgear.
- § 18-520 Clinging to vehicles prohibited.
- § 18-521 Entering and leaving controlled access highways.
- § 18-522 Reckless driving.
- § 18-523 Driving under the influence of liquor or drugs.
- § 18-524 Careless or negligent driving, stopping, or parking.
- § 18-525 Full time and attention required.
- § 18-526 Requirement of any person driving a vehicle on a public way to operate same in a careful and prudent manner.
- § 18-527 Speed contest prohibited.
- § 18-528 Driving through safety zone.
- § 18-529 Starting parked vehicle.
- § 18-530 Opening and closing vehicle doors.
- § 18-531 Obstructions to driver's view or driving mechanism.
- § 18-532 Boarding or alighting from vehicles.
- § 18-533 Unlawful Riding.
- § 18-534 Private service drives.
- § 18-535 Truck routes.
- § 18-536 Loads on vehicles.
- § 18-537 Vehicle approaching or entering intersection.
- § 18-538 Vehicle turning left at intersections.
- § 18-539 Vehicle approaching a "yield right-of-way" sign.
- § 18-540 Vehicle entering through highway.
- § 18-541 Vehicles facing stop, slow, warn or caution signal.
- § 18-542 Through streets.
- § 18-543 Intersections where stop or yield required.
- § 18-544 Stop or yield sign construction and placement.
- § 18-545 Vehicle entering stop intersection.
- § 18-546 Vehicle entering yield Intersection.
- § 18-547 Vehicle entering highway from private road or driveway.
- § 18-548 Vehicles entering traffic from parking.
- § 18-549 Emerging from the alley, driveway, or building.
- § 18-550 Stop when traffic obstructed.

- § 18-551 Obedience to Signal Indicating approach of train.
- § 18-552 Certain vehicles to stop at all railroad grade crossings.
- § 18-553 Seat belts and child passenger restraints required.
- § 18-554 Manually composing, sending or reading electronic text messages.

§ 18-501 CHANGING LANES.

A. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.

B. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.

C. Upon a roadway which has been 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.

D. Official signs may be erected directing the 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. Drivers of vehicles shall obey the directions of every such sign. (Ord. No. 2009-05, 4/28/09)

§ 18-502 DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; EXCEPTIONS.

A. Upon all roadways of sufficient width a vehicle shall be driven to the right of the center of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; and

4. Upon a roadway designated and signposted for one-way traffic.

B. All vehicles shall keep to the right roadway on all streets or highways which are divided into two (2) roadways.

C. 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 then 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.

D. Upon a roadway which is divided into four (4) or more lanes, a vehicle shall not be driven in the left lane except when overtaking and passing another vehicle; provided, however, this section shall not prohibit driving in the left lane when traffic conditions, flow or road configuration, such as the potential of merging traffic, require the use of the left lane to maintain safe traffic conditions. (Ord. No. 2009-05, 4/28/09; Ord. No. 666, 11/28/17)

State Law Reference: Similar provisions, 47 O.S. §11-301.

§ 18-503 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; or

3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right of way only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-304

§ 18-504 OVERTAKING A VEHICLE ON THE LEFT.

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaking vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-303

§ 18-505 LIMITATIONS ON OVERTAKING ON THE LEFT; EXCEPTIONS.

A. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance the overtaking vehicle must return to the right-hand side of the roadway before coming within one-hundred (100) feet of any vehicle approaching from the opposite direction.

B. No vehicle at any time shall be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade, or upon a curve in the street or highway where the driver's view along the street or highway is obstructed; or

2. When approaching within one-hundred (100) feet of any bridge, viaduct or tunnel or when approaching within fifty (50) feet of or traversing any intersection or railroad grade crossing. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §§11-305 & 11-306

§ 18-506 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width from not more than one line of traffic in each direction each driver shall give to the other at least one-half (½) other main-traveled portion of the roadway as nearly as possible. (Ord. No. 2009-05, 4/28/09)

§ 18-507 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

A. City personnel, subject to any directions given by the city council by motion or resolution, may designate any road, street, alley, or highway, or any separate roadway under their jurisdiction for one-way traffic and shall cause appropriate signs giving notice thereof, to be erected.

B. Whenever the city designates any street or alley or part thereof as a one-way street or alley, city personnel shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such 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.

C. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

D. Upon roadways designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

E. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (Prior Code §18-63; Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

State Law Reference: Similar provisions, 47 O.S. §11-308.

§ 18-508 FOLLOWING TO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

State Law Reference: Similar provisions, 47 O.S. §11-310.

§ 18-509 NO PASSING ZONES.

A. The state department of transportation, as regards state and federal highways, and the city manager subject to any direction given by city council by motion or resolution as regards all other streets, arm hereby authorized to determine those portions of any highways where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs

or markings are in place and clearly visible to an ordinarily observant person, every driver shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in subsection A of this section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

State Law Reference: Similar provisions, 47 O.S. §11-307.

§ 18-510 DRIVING THROUGH FUNERAL OR OTHER PROCESSION PROHIBITED; EXCEPTIONS.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers. (Prior Code §18-130(1); Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-315; Local powers to regulate processions, 47 O.S. §18-102.

§ 18-511 DRIVERS IN A PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-308.

§ 18-512 FUNERAL PROCESSIONS TO BE IDENTIFIED.

A Funeral composed of a procession of vehicles shall be identified by headlights or as may be determined and designated by the police department. (Prior Code §18-130(1); Ord. No. 2009-05, 4/28/09)

§ 18-513 OVERTAKING AND PASSING IN SCHOOL ZONES.

A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.

B. Wherever a school zone is located on a multiple lane street which is divided into three (3) or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two (2) or more lanes, or on one-way

streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-308.

§ 18-514 OVERTAKING AND PASSING SCHOOL BUS.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop the vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

B. The driver of any vehicle when passing a school bus shall use caution for the safety of school children and other occupants of the school bus.

C. Occupants of the school bus shall have the right of way when crossing the roadway immediately upon leaving the school bus. (Prior Code §18-10; Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-705.

§ 18-515 SCHOOL BUS REQUIREMENTS; LIGHTS; SIGNS; PAINTING.

A. The provisions of §18-514 of this code shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height which can be removed or covered when the vehicle is not in use as a school bus.

B. The school bus shall be equipped with four (4) red alternately flashing warning signal lights, two (2) of which shall be located high on the front and two (2) high on the rear of the vehicle. The lights shall be a minimum of four (4) inches in diameter and shall be widely separated. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 74 O.S. §11-705.

§ 18-516 DRIVING OF VEHICLES ON SIDEWALK PROHIBITED; EXCEPTION.

No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway. (Prior Code §18-15; Ord. No. 2009-05, 4/28/09)

§ 18-517 LIMITATIONS ON BACKING VEHICLE.

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with any other traffic. No vehicle shall be backed into an intersection. (Prior Code §18-17; Ord. No. 2009-05, 4/28/09)

§ 18-518 LIMITATIONS ON USE OF MOTORCYCLES, BICYCLES AND MOTOR SCOOTERS.

A. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as provided in this section:

1. If any two-wheel or three-wheel motor vehicle with a wheel diameter of twelve (12) inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger; and

2. A demonstration ride by a licensed dealer or his employee is permissible.

B. No motorcycle or motor scooter shall be ridden upon any sidewalk of the city.

C. No rider of a motorcycle, bicycle, or motor scooter shall hold onto any moving vehicle for the purpose of being propelled.

D. A person operating a motor scooter, motorcycle, motor-driven cycle, or motor bicycle, shall ride only on the permanent and regular seat attached thereto.

E. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are excepted from the provisions of this subsection.

F. No person under the age of sixteen (16) shall operate any motorcycle, motor bicycle, or motor scooter within the city between and during the hours of 10:00 P.M. of one day and 4:00 A.M. of the next day. (Prior Code §18-125; Ord. No. 2009-05, 4/28/09)

§ 18-519 REQUIRED MOTORCYCLE EQUIPMENT, HEADGEAR.

A. In addition to all other requirements motorcycles and motor scooters shall be equipped with the following:

1. Handle bars which do not exceed twelve (12) inches in height, measured from the crown or point of attachment;

2. Two (2) mirrors, containing a reflection surface of not less than three (3) inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of two hundred (200) feet to the rear of his vehicle;

3. Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two (2) separate means of applying the brakes. One means for applying the brakes shall be to effectively apply brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance not less than one-hundred (100) feet to the rear in normal sunlight, and which shall be activated upon application of the service brake;

4. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle shall be provided;

5. A fender over each wheel. All fenders shall be of the type provided by the manufacturer;

6. One lighted headlamp capable of showing a white light visible at least three-hundred (300) feet in the direction in which the vehicle is proceeding, and one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least three-hundred (300) feet to the rear. The lights required by this paragraph shall be burning whenever the vehicle is in motion during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least five-hundred (500) feet ahead; and

7. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or face shield of material and design to protect him from foreign objects.

B. No person under eighteen (18) years of age shall operate or ride upon any vehicle covered under this section unless the person is equipped with and wearing on the head a crash helmet of the type and as not to distort the view of

the driver. Such headgear shall comply with the regulations issued by the state department of public safety as provided in §40-106(G) of Title 47 of the Oklahoma statutes.

C. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle. (Ord. No. 2009-05, 4/28/09)

§ 18-520 CLINGING TO VEHICLES PROHIBITED.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway. (Prior Code §18-128; Ord. No. 2009-05, 4/28/09)

§ 18-521 ENTERING AND LEAVING CONTROLLED ACCESS HIGHWAYS.

No person shall drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority. (Ord. No. 2009-05, 4/28/09)

§ 18-522 RECKLESS DRIVING.

Any person who drives any vehicle in a wanton manner without regard for the safety of persons or property is guilty of reckless driving, and upon conviction thereof, shall be fined as provided in schedule of fees of this code. (Prior Code §18-13; Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-901.

§ 18-523 DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS.

A. It is unlawful and punishable as provided in subsection F for any person to drive, operate, or be in the actual physical control of a motor vehicle within the city who:

1. has a blood or breath alcohol concentration, as defined in 47 O.S. §756, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. is under the influence of alcohol;

3. is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

4. is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. Admission of evidence shown by tests.

1. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, evidence of the alcohol concentration in the blood or breath of the person as shown by analysis of the blood or breath of the person performed in accordance with the provisions of 47 O.S. §§752 and 759 or evidence of the presence and concentration of any other intoxicating substance as shown by analysis of such person's blood, breath, saliva, or urine specimens in accordance with the provisions of 47 O.S. §§752 and 759 is admissible. Evidence that the person has refused to submit to either of said analyses is also admissible.

2. Evidence that there was, at the time of the test, an alcohol concentration of five-hundredths (0.05) or less is prima facie evidence that the person was not under the influence of alcohol;

3. Evidence that there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) is relevant evidence that the person's ability to operate a motor vehicle was impaired by alcohol. However, no person shall be convicted of the offense of operating or being in actual physical control of a motor vehicle which such person's ability to operate such vehicle was impaired by alcohol solely because there was, at the time of the test, an alcohol concentration in excess of five-hundredths (0.05) but less than eight-hundredths (0.08) in the blood or the breath of the person in the absence of additional evidence that such person's ability to operate such vehicle was affected by alcohol to the extent that the public health and safety was threatened or that said person had violated a state statute or local ordinance in the operation of a motor vehicle; and

4. Evidence that there was, at the time of the test, an alcohol concentration of eight-hundredths (0.08) or more shall be admitted as prima facie evidence that the person was under the influence of alcohol.

- a. For purposes of this section, “alcohol concentration” means grams of alcohol per one-hundred (100) milliliters of blood if the blood was tested, or grams of alcohol per two-hundred and ten (210) liters of breath if the breath was tested.
- b. To be admissible in a proceeding, the evidence must first be qualified by establishing that the test was administered to the person within two hours after the arrest of the person.
- c. Any person convicted of violating any of the provisions of this section shall be guilty of an offense, and if convicted, shall be subject to a fine of not to exceed five-hundred dollars (\$500.00), plus costs. (Prior Code §18-14; Ord. No. 2009-05, 4/28/09)

§ 18-524 CARELESS OR NEGLIGENT DRIVING, STOPPING, OR PARKING.

It is unlawful for any person to drive, use, operate, park, cause to be parked, or stop any vehicle:

- A. In a careless manner;
- B. In a negligent manner;
- C. In such a manner as to endanger life, limb, person, or property; or
- D. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets. (Ord. No. 2009-05, 4/28/09)

§ 18-525 FULL TIME AND ATTENTION REQUIRED.

The operator of every motor vehicle while driving upon the streets and highways of the city shall devote full time and attention to such driving. (Ord. No. 2009-05, 4/28/09)

§ 18-526 REQUIREMENT OF ANY PERSON DRIVING A VEHICLE ON A PUBLIC WAY TO OPERATE SAME IN A CAREFUL AND PRUDENT MANNER.

Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and 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 public way and any other conditions then existing. (Ord. No. 2009-05, 4/28/09)

§ 18-527 SPEED CONTEST PROHIBITED.

A. No person shall engage in, aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway.

B. No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner obstruct or place any barricade or obstruction upon any street or highway.

C. When three (3) or more persons assemble to witness or participate in any unlawful speed contest such assembly is unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense. (Ord. No. 2009-05, 4/28/09)

§ 18-528 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone or island. (Ord. No. 2009-05, 4/28/09)

§ 18-529 STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. (Ord. No. 2009-05, 4/28/09)

§ 18-530 OPENING AND CLOSING VEHICLE DOORS.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so; nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

State Law Reference: Similar provision, 47 O.S. §11-1105.

§ 18-531 OBSTRUCTIONS TO DRIVER'S VIEW OR DRIVING MECHANISM.

A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle. (Prior Code §18-134; Ord. No. 2009-05, 4/28/09)

§ 18-532 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion. (Ord. No. 2009-05, 4/28/09)

§ 18-533 UNLAWFUL RIDING.

No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (Ord. No. 2009-05, 4/28/09)

§ 18-534 PRIVATE SERVICE DRIVES.

No vehicles or animal shall be driven through any private service driveway or private service area except for the purpose of obtaining service or merchandise. (Ord. No. 2009-05, 4/28/09)

§ 18-535 TRUCK ROUTES.

The city council may prescribe routes through the city for the use of trucks in general, trucks or particular kinds or other vehicles which are not ordinary private passenger vehicles, passing through the city. Appropriate and adequate signs shall be placed along such routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, while passing through the city, shall keep on such route and shall not deviate therefrom except in case of an emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the city and not merely through the city. (Prior Code §18-51(3)(4); Ord. No. 2009-05, 4/28/09)

§ 18-536 LOADS ON VEHICLES.

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping there from, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any highway 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 highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have

the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle. (Ord. No. 2009-05, 4/28/09)

§ 18-537 VEHICLE APPROACHING OR ENTERING INTERSECTION.

A. When two (2) vehicles enter or approach an uncontrolled 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 as otherwise stated in this chapter; however, the driver of 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.

B. The right-of-way rule declared in sub§ A of this section is modified at through highways as otherwise stated in this chapter. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Right of way at intersections, 47 O.S. §11-401.

§ 18-538 VEHICLE TURNING LEFT AT INTERSECTIONS.

The driver of a vehicle within an intersection intending to turn to the 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. After so yielding and having given signal when and as required by this code, the driver may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-402.

§ 18-539 VEHICLE APPROACHING A "YIELD RIGHT-OF-WAY" SIGN.

The driver of a vehicle approaching a "yield right-of way" sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to all vehicles on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-403.

§ 18-540 VEHICLE ENTERING THROUGH HIGHWAY.

Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this code at the entrance

to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard. (Ord. No. 2009-05, 4/28/09)

§ 18-541 VEHICLES FACING STOP, SLOW, WARNING OR CAUTION SIGNAL.

If the two (2) or more vehicles face stop, slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: If each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. If one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection. (Ord. No. 2009-05, 4/28/09)

§ 18-542 THROUGH STREETS.

A. City personnel, subject to such direction as the council may give, may designate any street or part of a street a through street.

B. Whenever the city designates and describes a through street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.

C. At the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the city if deemed desirable. (Ord. No. 2009-05, 4/28/09)

§ 18-543 INTERSECTIONS WHERE STOP OR YIELD REQUIRED.

City personnel, subject to any directions given by the council by motion or resolution, is hereby authorized to determine and designate intersections upon other than through streets where particular hazards exist and to determine whether:

1. Vehicles shall stop at one or more entrances to any such stop intersection, in which event he shall cause to be erected a stop sign at every such place a stop is required; or

2. Vehicles shall yield the right-of-way to vehicles on a different street as provided in this part in which event he shall cause to be erected a yield sign at every place where yield is required. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-544 STOP OR YIELD SIGN CONSTRUCTION AND PLACEMENT.

Every stop or yield sign erected pursuant to this chapter shall bear the word "stop" or "yield" in letters not less than eight (8) inches in height for a stop sign and not less than seven (7) inches in height for a yield sign. Every stop or yield sign shall at night be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalks on the near side of the intersection or if there is not crosswalk, then the sign shall be located at the nearest line of the intersecting roadway. (Ord. No. 2009-05, 4/28/09)

§ 18-545 VEHICLE ENTERING STOP INTERSECTION.

Except when directed 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. In the event there is no crosswalk, the driver shall stop at a clearly marked stop line before entering the intersection. If there is not marked stop line, then the driver shall stop at the point nearest the intersecting road where the driver has a view of approaching traffic on an intersecting roadway before entering the intersection. A driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute immediate hazard; but the driver having so yielded may then proceed the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding. (Ord. No. 2009-05, 4/28/09)

§ 18-546 VEHICLE ENTERING YIELD INTERSECTION.

The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall stop if necessary and 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 road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian at a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The provisions of this § shall not release the drivers of other vehicles approaching the

intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision. 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 before entering the intersection; if there is no crosswalk, the driver shall stop at a clearly marked stop line, or if there is no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. (Ord. No. 2009-05, 4/28/09)

§ 18-547 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.

The driver of a vehicle about to enter, leave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-404.

§ 18-548 VEHICLES ENTERING TRAFFIC FROM PARKING.

Any vehicle attempting to re-enter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists. (Ord. No. 2009-05, 4/28/09)

§ 18-549 EMERGING FROM THE ALLEY, DRIVEWAY, OR BUILDING.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way 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. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-704.

§ 18-550 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. No. 2009-05, 4/28/09)

§ 18-551 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one-thousand five-hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (Ord. No. 2009-05, 4/28/09)

§ 18-552 CERTAIN VEHICLES TO STOP AT ALL RAILROAD GRADE CROSSINGS.

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed. (Ord. No. 2009-05, 4/28/09)

§ 18-553 SEAT BELTS AND CHILD PASSENGER RESTRAINTS REQUIRED.

A. Every operator and front seat passenger of a passenger car operated in this city 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 §, "passenger car" shall mean "automobile" as defined in §22.1 of Title 47 of the Oklahoma statutes, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.

B. Subsection A shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system. Subsection A shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

C. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this city 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 set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this Subsection shall not apply to:

1. A nonresident driver transporting a child in this state;
2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
3. The driver of an ambulance or emergency vehicle;
4. A driver of a vehicle if all of the seat belts are in use; and
5. The transportation of children who for medical reasons are unable to be placed in such devices.

A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger

restraint system or seat belts in the motor vehicle. A person who violates the provisions 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 the damages. If any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this Subsection shall not be used in aggravation or mitigation of damages.

D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing subsection A of this section. Any person convicted of violating sub§ A of this section shall be punished by a maximum fine as set by state law or by the city, whichever is greater, and court costs. (Prior Code §18-135)

§ 18-554 MANUALLY COMPOSING, SENDING OR READING ELECTRONIC TEXT MESSAGES.

1. It shall be unlawful for any person to operate a motor vehicle on any street or highway within the city while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

2. Any person who violates the provisions of sub§ 1 of this section shall, upon conviction, be punished by a fine of not more than one-hundred dollars (\$100.00).

3. The provisions of sub§ 1 of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

- a. An emergency response operator;
 - b. A hospital, physician's office or health clinic;
 - c. A provider of ambulance services;
 - d. A provider of firefighting services; or
 - e. A law enforcement agency.
4. For the purpose of this section:

- a. “Cellular telephone” means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;
- b. “Compose”, “send” or “read” with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;
- c. “Electronic communication device” means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and
- d. “Text message” includes a text-based message, instant message, electronic message, photo, video or electronic mail. (Ord. No. 621, 10/27/15)

ARTICLE 6

TRAFFIC CONTROL DEVICES

- § 18-601 Authority to install traffic control devices.
- § 18-602 Traffic control devices; uniform requirements.
- § 18-603 Obedience to official traffic control devices.
- § 18-604 When official traffic control devices required for enforcement purposes.
- § 18-605 Traffic control signal legend.
- § 18-606 Pedestrians; signal indicators; regulations.
- § 18-607 Flashing signals.
- § 18-608 Pedestrian-activated school crossing signals.
- § 18-609 Unauthorized traffic control devices prohibited.
- § 18-610 Defacement of traffic control devices.
- § 18-611 Play streets, authority to establish.
- § 18-612 Play streets, restriction on use.
- § 18-613 Designation of crosswalks and safety zones.
- § 18-614 Traffic lanes.

§ 18-601 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES.

- A. City personnel, subject to any directions given by the city council by motion or resolution, shall have placed and maintained traffic control signs,

signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of such ordinances, and may have placed and maintained such additional traffic control signs, signals, and devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic.

B. The city manager may have traffic control devices tested under actual conditions of traffic.

C. Prior to any placement of any traffic control devices, all traffic control devices shall be determined on the basis of an engineering and traffic investigation to be reasonable and safe under the conditions found to exist upon any local street or highway within the municipality. (Prior Code §18-60; Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

Cross Reference: For state law relating to traffic control devices, see 47 O.S. §11-201 et seq.; see 47 O.S. §11-803.

§ 18-602 TRAFFIC CONTROL DEVICES; UNIFORM REQUIREMENTS.

A. All traffic control signs, signals, and devices shall conform to the manual of Uniform traffic control devices approved by the state department of public safety.

B. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the city. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices. (Prior Code §18-61)

§ 18-603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

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

State Law Reference: Drivers to obey traffic devices, 47 O.S. §11-201.

§ 18-604 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this chapter 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 eligible to be seen by an ordinarily observant person. If 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.

§ 18-605 TRAFFIC CONTROL SIGNAL LEGEND.

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

1. Green alone, "*go*":
 - a. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic; and
 - b. Pedestrian traffic, facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a "*walk*" signal indicator is operating;
2. Steady yellow or amber alone, "*caution*":
 - a. The showing of such signal color following green shall constitute a warning that the "*red*" or "*stop*" signal will be exhibited immediately thereafter; and
 - b. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it is marked, unless the vehicle is so near the limit line when the "*caution*" signal first flashes that a stop cannot be made in safety, in which event vehicle may proceed cautiously through the intersection and clear the same before the "*red*" signal flashes;
3. Red alone, "*stop*":
 - a. Vehicular traffic facing the signal stop before entering the crosswalk and shall remain standing until green or "*go*" is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any

way with traffic proceeding on a green signal indication on the cross street; and

- b. Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street, or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or "*go*" is shown alone unless authorized to do so, by a pedestrian "*walk*" signal;

4. Steady red with green arrow:

- a. Vehicular traffic facing such signal when in the proper traffic lane may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. If the movement indicated by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal; and

- b. No pedestrian facing such signal shall enter the roadway until the green or "*go*" is shown alone unless authorized so to do by a pedestrian "*walk*" signal; and

5. Green arrows alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals may make the movements indicated by the green arrows and the movements shall be made only when the green arrows are displayed. (Prior Code §18-62; Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-202.

§ 18-606 PEDESTRIANS; SIGNAL INDICATORS; REGULATIONS:

Special pedestrian control signals exhibiting the words "*walk*," "*wait*" or "*don't walk*" shall regulate pedestrian movement as follows:

1. "*Walk*." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

2. "*Wait*" or "*Don't Walk*." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "*walk*" signal shall proceed to a sidewalk or safety zone while the "*wait*" signal is showing. (Ord. No. 2009-05, 4/28/09)

§ 18-607 FLASHNG SIGNALS.

A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

1. "*Flashing red.*" When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

2. "*Flashing yellow.*" When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection, or pass such signal only with caution.

B. This section shall not apply at railroad crossings. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-204.

§ 18-608 PEDESTRIAN-ACTIVATED SCHOOL CROSSING SIGNALS.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

1. "*Flashing yellow*":

a. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution; and

b. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;

2. "*Steady yellow alone*":

a. Vehicular traffic facing the signal is thereby warned that the red of "*stop*" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "*stop*" signal is exhibited; and

b. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown;

3. "*Steady red*":

- a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, and shall remain standing until flashing yellow is shown alone;
- b. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles; and
- 4. "*Steady red and steady yellow combined*":
 - a. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone; and
 - b. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island, and shall be given the right-of-way by the drivers of all vehicles. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-203.

§ 18-609 UNAUTHORIZED TRAFFIC CONTROL DEVICES PROHIBITED.

A. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal, or device bearing thereon any commercial advertising.

C. This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

D. Every prohibited sign, signal, marking or device may be removed without notice. (Prior Code §18-66; Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-206.

§ 18-610 DEFACEMENT OF TRAFFIC CONTROL DEVICES.

A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injury, knock down, remove or have in his possession any traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any part thereof.

B. This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

1. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency; or

2. Any officer, agent, independent contractor, employee, servant or trustee of any contractor, public utility or railroad company. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. § 11-207.

§ 18-611 PLAY STREETS, AUTHORITY TO ESTABLISH.

City personnel, subject to any directions given by the city council, shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping protect the same. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-612 PLAY STREETS, RESTRICTION ON USE.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. (Prior Code §18-130(1); Ord. No. 2009-05, 4/28/09)

§ 18-613 DESIGNATION OF CROSSWALKS AND SAFETY ZONES.

Authorized city personnel, subject to any directions given by the city council by motion or resolution, may:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway and crosswalks at intersections, where in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; and

2. Establish safety zones or islands of such kind and character and at such places as deemed necessary for the protection of pedestrians. (Prior Code §18-65; Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-614 TRAFFIC LANES.

A. City personnel, subject to any directions given by the council by motion or resolution, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator 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. (Prior Code §18-64; Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

State Law Reference: Similar provisions, 47 O.S. §11-309.

ARTICLE 7

STOPPING, STANDING AND PARKING GENERALLY

- § 18-701 Illegal parking declared public nuisance.
- § 18-702 Application of standing or parking regulations.
- § 18-703 Parking time limits may be established, signs.
- § 18-704 Parking more than forty-eight (48) hours, disabled vehicles.
- § 18-705 Brakes; motor not to be left running.
- § 18-706 Signs or markings indicating angle parking.
- § 18-707 Obedience to angle parking signs or markings.
- § 18-708 Parking in spaces marked off.
- § 18-709 Permits for loading or unloading at an angle to the curb.
- § 18-710 Hazardous or congested places; stopping, standing, parking.
- § 18-711 Stopping, standing or parking prohibited in specified places.
- § 18-712 Blocking of intersection or crosswalk prohibited.
- § 18-713 Standing or parking on one-way roadway.
- § 18-714 Standing or parking on left side of one-way streets.
- § 18-715 Parking adjacent to schools.
- § 18-716 Parking prohibited at intersections.
- § 18-717 Parking in alleys, blocking driveways.
- § 18-718 Entry on private property; trespass; evidence; burden of proof.
- § 18-719 Parking on main traveled portion or roadway.
- § 18-720 Double parking prohibited.
- § 18-721 Truck parking prohibited; trucks transportation of hazardous materials prohibited.
- § 18-722 Parking for certain purposes prohibited.
- § 18-723 Method of parking, standing or parking close to curb.

- § 18-724 Negligent parking.
- § 18-725 Right-of-way to parallel parking space.
- § 18-726 Handicapped parking, enforcement of public or private parking.

§ 18-701 ILLEGAL PARKING DECLARED PUBLIC NUISANCE.

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing of a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle. (Ord. No. 2009-05, 4/28/09)

§ 18-702 APPLICATION OF STANDING OR PARKING REGULATIONS.

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Ord. No. 2009-05, 4/28/09)

§ 18-703 PARKING TIME LIMITS MAY BE ESTABLISHED, SIGNS.

City personnel, subject to directions given by the council by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation. (Ord. No. 2009-05, 4/28/09)

§ 18-704 PARKING MORE THAN FORTY-EIGHT (48) HOURS, DISABLED VEHICLES.

No person shall park any vehicle or trailer on any street for a period of time longer than forty-eight (48) hours. This section shall not affect parking limits established for shorter periods. Vehicles which are parked on a roadway and significantly jeopardize the safety of other motorists may be immediately removed by police officers. Those vehicles parked for periods of forty-eight (48) hours or which pose an immediate safety hazard may be subject to towing at the owners expense. (Ord. No. 2009-05, 4/28/09)

§ 18-705 BRAKES; MOTOR NOT TO BE LEFT RUNNING.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked. (Ord. No. 2009-05, 4/28/09)

§ 18-706 SIGNS OR MARKINGS INDICATING ANGLE PARKING.

City personnel, subject to any direction by the city council by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed. (Prior Code §18-81; Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-707 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

On those streets which have been so 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 such signs or markings. (Ord. No. 2009-05, 4/28/09)

§ 18-708 PARKING IN SPACES MARKED OFF.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space. (Ord. No. 2009-05, 4/28/09)

§ 18-709 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB.

A. The city manager, subject to any direction by the city council by motion or resolution, is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The city manager may revoke such permits at any time.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-710 HAZARDOUS OR CONGESTED PLACES; STOPPING, STANDING, PARKING.

A. City personnel, subject to any direction by the city council by motion or resolution, are hereby authorized to determine and regulate by proper signs the stopping, standing, or parking of vehicles when such stopping, standing or parking would create an especially hazardous condition or would cause unusual delay to traffic, subject to any direction by the city council by motion or resolution.

B. When official signs are erected at hazardous or congested places, as authorized in sub§ A of this section, no person shall violate such signs. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-711 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

A. No person shall stop, stand, or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

1. On a sidewalk, sidewalk area, or between the sidewalk and the street;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen (15) feet of a fire hydrant except in a parking space officially marked;
5. On a crosswalk;
6. Within twenty (20) feet of a crosswalk at an intersection;
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings;
9. Within fifty (50) feet of the nearest rail of a railroad crossing;
10. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance of any fire station within seventy-five (75) feet of the entrance when properly signposted;
11. Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any prohibited area or any unlawful distance away from a curb. (Prior Code §18-81; Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-1003.

§ 18-712 BLOCKING OF INTERSECTION OR CROSSWALK PROHIBITED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. No. 2009-05, 4/28/09)

§ 18-713 STANDING OR PARKING ON ONE-WAY ROADWAY.

A. If a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.

B. City personnel, subject to any direction by the city council by motion or resolution, may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-714 STANDING OR PARKING ON LEFT SIDE OF ONE-WAY STREETS.

City personnel, subject to any direction by the city council by motion or resolution, may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, subject to any direction by the city council by motion or resolution. When the signs are in place, no person shall stand or park a vehicle in violation of any such sign. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-715 PARKING ADJACENT TO SCHOOLS.

A. City personnel, subject to any direction by the city council by motion or resolution, may have signs erected indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation, subject to any direction by the city council by motion or resolution.

B. No person shall park a vehicle in violation of any such sign. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-716 PARKING PROHIBITED AT INTERSECTIONS.

The parking of vehicles at the curb where streets intersect shall be prohibited fifteen (15) feet in advance of the crosswalk on the near side of such intersection. (Ord. No. 2009-05, 4/28/09)

§ 18-717 PARKING IN ALLEYS, BLOCKING DRIVEWAYS.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the 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 a driveway entrance to any abutting property. (Ord. No. 2009-05, 4/28/09)

§ 18-718 ENTRY ON PRIVATE PROPERTY; TRESPASS; EVIDENCE; BURDEN OF PROOF.

A. No person shall make an entry with any vehicle upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

B. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given. (Ord. No. 2009-05, 4/28/09)

§ 18-719 PARKING ON MAIN TRAVELED PORTION OR ROADWAY.

A. Upon any street, no person shall stop, park, or leave standing any vehicle, whether attended or unattended upon the paved or main traveled part of the street when it is practical to stop, park, or leave the vehicle off such parts of the street, except that delivery vehicles, either loading or unloading, may park in the center of street, while in the process of loading or unloading and making delivery to or pick up at any local business establishment.

B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (Ord. No. 2009-05, 4/28/09)

§ 18-720 DOUBLE PARKING PROHIBITED.

A. No vehicle shall be double parked on any street within the city limits, except in compliance with the directions of a police officer, or traffic control device, or except when necessary to avoid conflict with another vehicle.

B. Delivery vehicles, either loading or unloading, may double park in the right-hand lane while in the process of loading or unloading and making delivery to local business establishments; provided that the driver of the delivery vehicle shall keep a lookout for cars and vehicles needing or attempting to move away from the curb and shall move his delivery vehicle as soon as possible to permit the parked vehicles to be moved and further providing that the double parking shall be permitted only so long as both traffic lanes are not blocked. (Ord. No. 2009-05, 4/28/09)

§ 18-721 TRUCK PARKING PROHIBITED; TRUCKS TRANSPORTING HAZARDOUS MATERIALS PROHIBITED.

A. It is unlawful for any person to park a truck of over one ton capacity, or a trailer over twenty (20) feet in length, for more than three (3) consecutive hours on any street or alley in the city.

B. It is unlawful to park, store or otherwise let stand a truck or other vehicle which is used for the purpose of transporting or delivering flammable and combustible liquids as defined by the Fire Prevention Code and trucks or other vehicles which are used for the transportation and delivery of liquefied petroleum gases in any area within the city. However, the trucks and vehicles restricted in this section may be temporarily parked at locations otherwise zoned for the purpose of loading and unloading flammable and combustible liquids and liquefied petroleum gases for a period not to exceed one and one-half (1½) hours during any twenty-four (24) hour period. (Ord. No. 2009-05, 4/28/09)

§ 18-722 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the purpose of:

1. Displaying the vehicle for sale;
2. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things; or
3. Washing, cleaning, or repairing the vehicle, except for repairs necessitated for emergency. (Ord. No. 2009-05, 4/28/09)

§ 18-723 METHOD OF PARKING, STANDING OR PARKING CLOSE TO CURB.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within eighteen (18) inches of the left-hand curb. (Prior Code §18-82; Ord. No. 2009-05, 4/28/09)

State Law Reference: Parking rules, 47 O.S. §11-1004.

§ 18-724 NEGLIGENT PARKING.

No person shall park, cause to be parked, stop or leave unattended any vehicle as follows:

1. In a careless or negligent manner;
2. In such a manner as to endanger life, limb, person, or property; or
3. In such manner as to endanger or interfere with the lawful traffic or use of the streets. (Ord. No. 2009-05, 4/28/09)

§ 18-725 RIGHT-OF-WAY TO PARALLEL PARKING SPACE.

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two (2) or more vehicles to reach the rear boundary of an unoccupied parallel parking space where a backing movement is necessary to occupy, shall be deemed to have the right-of-way to such parking space. (Ord. No. 2009-05, 4/28/09)

§ 18-726 HANDICAPPED PARKING, ENFORCEMENT OF PUBLIC OR PRIVATE PARKING.

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has

a physical disability insignia as under the provisions of §15-112 of Title 47 of the Oklahoma statutes, and such insignias are displayed as provided in §15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable by a fine as provided in §8-301 of this code. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Handicapped insignia, application and display on vehicles, 47 O.S. §15-112.

ARTICLE 8

LOADING

- § 18-801 Definitions.
- § 18-802 Curb loading zones, designation.
- § 18-803 Loading zones to be used only for designated purpose.
- § 18-804 Stopping, standing or parking in passenger curb loading zone.
- § 18-805 Stopping, standing or parking in commercial curb loading zone.
- § 18-806 Designation of public carrier stops and stands.
- § 18-807 Use of bus and taxicab stands restricted.
- § 18-808 Stopping, standing and parking of buses and taxis.

§ 18-801 DEFINITIONS.

As used in this chapter:

1. "*Freight loading zones*" means all curb loading zones authorized and regularly used exclusively for the loading and unloading of merchandise for storage, trade, shipment or re-sale;
2. "*Commercial vehicle*" means:
 - a. A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehicle, regularly used during normal business hours for the delivery and handling of merchandise or freight and which bears a regular state commercial license tag;
 - b. A passenger vehicle used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the city at the rear of the vehicle attached to the state license plate together with an identically numbered decal, issued vehicle; and

3. "*Passenger loading zone*" means all loading zones authorized and used regularly and exclusively for the loading and unloading of passengers except bus stops, taxicab stands, and stands for other passenger common carrier vehicles. (Ord. No. 2009-05, 4/28/09)

§ 18-802 CURB LOADING ZONES, DESIGNATION.

A. City personnel, subject to any directions given by the council by motion or resolution, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and stating the hours during which the provisions of this section are applicable.

B. No person shall stand or park a vehicle in violation of signs erected in accordance with this section.

C. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the city an amount of money estimated by the city council to be adequate to reimburse the city for all costs of establishing and signing the same. (Prior Code §18-85; Ord. No. 2009-05, 4/28/09; Ord. No 575, 10/9/12)

§ 18-803 LOADING ZONES TO BE USED ONLY FOR DESIGNATED PURPOSE.

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law. (Ord. No. 2009-05, 4/28/09)

§ 18-804 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period of not to exceed three (3) minutes. (Ord. No. 2009-05, 4/28/09)

§ 18-805 STOPPING, STANDING OR PARKING IN COMMERCIAL CURB LOADING ZONE.

A. No person shall stop, stand, or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials during hours when the provisions applicable to such zones are in effect. In no case shall the driver

stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.

B. 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 commercial vehicle which is waiting to enter the zone. (Prior Code §18-85(3))

§ 18-806 DESIGNATION OF PUBLIC CARRIER STOPS AND STANDS.

City personnel, subject to any direction given by the city council by motion or resolution, may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands or other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, subject to any direction by the city council by motion or resolution. Every such loading zone shall be designated by appropriate signs. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-807 USE OF BUS AND TAXICAB STANDS RESTRICTED.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter the zone. (Ord. No. 2009-05, 4/28/09)

§ 18-808 STOPPING, STANDING AND PARKING OF BUSES AND TAXIS.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and

the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (Ord. No. 2009-05, 4/28/09)

ARTICLE 9

TURNING MOVEMENTS

- § 18-901 Turning markers or indicators.
- § 18-902 Designation of restricted turns.
- § 18-903 Obedience to no-turn signs.
- § 18-904 U-turns.
- § 18-905 Left turns across center line prohibited, exceptions.
- § 18-906 Position and method of turning.
- § 18-907 Turning movements and required signals.
- § 18-908 Means of giving turn signals.
- § 18-909 Method of giving hand and arm signals.

§ 18-901 TURNING MARKRS OR INDICATORS.

A. City personnel, subject to any directions given by the city council by motion or resolution, is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-902 DESIGNATION OF RESTRICTED TURNS.

The city manager, subject to any direction given by the city council by motion or resolution, is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right, left or u-turns, and shall have proper signs placed at the intersections, subject to any direction by the city council by motion or resolution. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. Where turns are restricted during certain hours pursuant to this section, the same shall be

plainly indicated on the signs, or they may be removed when turns are permitted. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-903 OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left or u-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign. (Ord. No. 2009-05, 4/28/09)

§ 18-904 U-TURNS.

A. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the city at the following locations:

1. At intersections controlled by traffic control devices or signals unless such turns are specifically authorized;
2. Where a police officer is directing traffic except at the latter's direction; or
3. At any other location where an official "no u-turn" sign has been placed and is maintained.

B. Manner of making u-turns. A u-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a u-turn except in the following manner;

1. By approaching the intersection as closely as practical to the right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the return is completed, proceeding to make the turn across the intersection;
2. In one continuous movement without stopping or backing the vehicle;
3. By yielding the right-of-way at all time to all vehicles until such turn is completed; and
4. Without constituting a hazard to or interfering with any other vehicle. (Ord. No. 2009-05, 4/28/09)

§ 18-905 LEFT TURNS ACROSS CENTER LINE PROHIBITED, EXCEPTIONS.

It is unlawful and an offense for any person to turn a vehicle across the center line unless the turn is at an intersection at which left hand turns are permitted or into a private road or driveway. (Ord. No. 2009-05, 4/28/09)

§ 18-906 POSITION AND METHOD OF TURNING.

The driver of a vehicle intending to turn at an intersection shall do as follows:

1. *Right turns.* Both the approach for a right turn and the execution of a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

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, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center 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; or

3. *Left turns, on other than two-way roadways.* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon roadway being entered. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-601.

§ 18-907 TURNING MOVEMENTS AND REQUIRED SIGNALS.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in §18-905 of this code, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left, slow or stop when required, shall be given continuously during not less than the last one-hundred (100) feet traveled by the vehicle before turning or stopping.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §11-604.

§ 18-908 MEANS OF GIVING TURN SIGNALS.

A. Any stop or turn signal when required herein shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the Oklahoma Department of Public Safety, except as provided in subsection B of this section.

B. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:

1. The body or cab of a vehicle or the load of any vehicle projects twenty-four (24) inches or more to the left of the center of the steering wheel;

2. Under any condition where a hand and arm signal would not be visible both to the front and rear of the vehicle; or

3. The rear limit of the body of a vehicle or the load of any vehicle projects fourteen (14) feet or more beyond the center top of the steering post. (Ord. No. 2009-05, 4/28/09)

§ 18-909 METHOD OF GIVING HAND AND ARM SIGNALS.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - hand and arm extended horizontally;

2. Right turn - hand and arm extended upward; and

3. Stop or decrease speed - hand and arm extended downward with palm to the rear. (Ord. No. 2009-05, 4/28/09)

ARTICLE 10

PEDESTRIANS

- § 18-1001 Pedestrians subject to traffic control signals.
- § 18-1002 Pedestrians' right-of-way at crosswalks.
- § 18-1003 Pedestrians to use right half of crosswalk.
- § 18-1004 Crossing at right angles.
- § 18-1005 When pedestrians shall yield.
- § 18-1006 Pedestrians walking along roadways.
- § 18-1007 Pedestrians prohibited from soliciting rides, business or donations from vehicle occupants.
- § 18-1008 Drivers to exercise due care.
- § 18-1009 Crossing prohibited.
- § 18-1010 Obedience of pedestrians to railroad signals.

§ 18-1001 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS.

Pedestrians shall be subject to traffic control signals as provided for in this chapter, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (Prior Code §18-110; Ord. No. 2009-05, 4/28/09)

State Law Reference: Pedestrian rights and duties, 47 O.S. §§11-501 to 11-507.

§ 18-1002 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS.

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:

1. The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or
2. The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.

The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.

B. No pedestrian shall suddenly leave a curb or other place of safety or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

C. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle. (Prior Code §18-111; Ord. No. 2009-05, 4/28/09)

§ 18-1003 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.

Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable, upon the right half of the crosswalk. (Ord. No. 2009-05, 4/28/09)

§ 18-1004 CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk. (Ord. No. 2009-05, 4/28/09)

§ 18-1005 WHEN PEDESTRIANS SHALL YIELD.

A. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. The provisions of this section are not applicable where pedestrian crossings are prohibited. (Ord. No. 2009-05, 4/28/09)

§ 18-1006 PEDESTRIANS WALKING ALONG ROADWAYS.

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles. (Ord. No. 2009-05, 4/28/09)

§ 18-1007 PEDESTRIANS PROHIBITED FROM SOLICITING RIDES, BUSINESS OR DONATIONS FROM VEHICLE OCCUPANTS.

A. No person shall stand in a roadway for purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.

B. No person shall:

1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street;

2. Sell or attempt to sell anything to any person in any vehicle;

3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift; or

4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose. (Ord. No. 2009-05, 4/28/09)

§ 18-1008 DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway. (Prior Code §18-112; Ord. No. 2009-05, 4/28/09)

§ 18-1009 CROSSING PROHIBITED.

Between adjacent intersections, at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. Pedestrians shall not cross any divided highway having a median in the center thereof, except in a crosswalk. (Ord. No. 2009-05, 4/28/09)

§ 18-1010 OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS.

No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Ord. No. 2009-05, 4/28/09)

ARTICLE 11

BICYCLES

- § 18-1101 Application of bicycle regulations.
- § 18-1102 Application of traffic laws to bicycles.
- § 18-1103 Obedience to traffic control devices.
- § 18-1104 Riding on bicycles.

- § 18-1105 Riding on roadways and bicycle Paths.
- § 18-1106 Speed of bicycle.
- § 18-1107 Emerging from alley or driveway.
- § 18-1108 Carrying articles.
- § 18-1109 Parking.
- § 18-1110 Riding on sidewalks.
- § 18-1111 Lamps and equipment on bicycles.

§ 18-1101 APPLICATION OF BICYCLE REGULATIONS.

The provisions of this article shall apply whenever a bicycle is operated upon any street or upon any public way; or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter. (Ord. No. 2009-05, 4/28/09)

State Law Reference: Similar provisions, 47 O.S. §§11-1201 et. seq.

§ 18-1102 APPLICATION OF TRAFFIC LAWS TO BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons. (Prior Code §18-100; Ord. No. 2009-05, 4/28/09)

§ 18-1103 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating no right or left or u-turn is permitted, no person operating a bicycle shall disobey the directions of 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 the pedestrians. (Prior Code §18-102; Ord. No. 2009-05, 4/28/09)

§ 18-1104 RIDING ON BICYCLES.

A. No person operating a bicycle shall ride other than astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Ord. No. 2009-05, 4/28/09)

§ 18-1105 RIDING ON ROADWAYS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle proceeding in the same direction.

B. Person 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.

C. If usable paths for bicycles are provided adjacent to a roadway, bicycle riders shall use such paths and not use the roadway. (Prior Code §18-103; Ord. No. 2009-05, 4/28/09)

§ 18-1106 SPEED OF BICYCLE.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Ord. No. 2009-05, 4/28/09)

§ 18-1107 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways. (Ord. No. 2009-05, 4/28/09)

§ 18-1108 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand on the handle bars. (Ord. No. 2009-05, 4/28/09)

§ 18-1109 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such manner as to afford the least obstruction to pedestrian traffic. (Ord. No. 2009-05, 4/28/09)

§ 18-1110 RIDING ON SIDEWALKS.

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. City personnel, subject to any direction by the city council by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person; and when such signs are in place, no person shall disobey the same.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. No. 2009-05, 4/28/09; Ord. No. 575, 10/9/12)

§ 18-1111 LAMPS AND EQUIPMENT ON BICYCLES.

A. Bicycles in use at night shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five-hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from fifty (50) feet to three-hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five-hundred (500) feet to the rear may be used in addition to the red reflector.

B. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.

C. Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement. (Ord. No. 2009-05, 4/28/09)

ARTICLE 12

RESERVED

(Ord. No. 2009-05, 4/28/09)

ARTICLE 13

IMPOUNDMENT OF VEHICLES

- § 18-1301 Purpose and effect of impoundment provisions.
- § 18-1302 Place of impoundment.
- § 18-1303 Duration of impoundment; order of release.
- § 18-1304 Police granted authority to impound vehicles.
- § 18-1305 Disabled vehicles.
- § 18-1306 Vehicles on bridge.
- § 18-1307 Arrest and detention of driver of vehicle.
- § 18-1308 Vehicle constitutes traffic hazard.
- § 18-1309 Illegal trespass by vehicle.

- § 18-1310 Vehicles parked overtime.
- § 18-1311 Vehicles blocking fire exits or hydrants.
- § 18-1312 Vehicles parked in intersection.
- § 18-1313 Stolen vehicles; recovery by police.
- § 18-1314 Vehicles with outstanding traffic citations.

§ 18-1301 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.

The impoundment of vehicles under authority of the provisions of this article 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. (Prior Code §18-30; Ord. No. 2009-05, 4/28/09)

State Law Reference: Grounds for removal of vehicles on highways by state, 47 O.S. §955; removal of abandoned vehicles on private property, 47 O.S. §954A.

§ 18-1302 PLACE OF IMPOUNDMENT.

Every vehicle that is impounded under the provisions of this article shall be removed to the nearest garage or place of safekeeping designated by the city and to no other place. (Prior Code §18-31; Ord. No. 2009-05, 4/28/09)

§ 18-1303 DURATION OF IMPOUNDMENT; ORDER OF RELEASE.

A. Except as otherwise provided, any vehicle impounded under the authorization granted herein shall be stored and held safely until a written order of its release, signed by an authorized police officer, has been issued.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle:

1. Presentation of positive identification of the owner or person who is requesting the release;
2. Presentation of legal authorization to obtain the release if requested by a person who is not the legally registered owner of the vehicle;
3. Presentation of a current and updated title in the name of the current owner or, in case of exigent circumstances, other positive proof of ownership of the vehicle;

4. Presentation of proof of a current and valid vehicle registration plate or decal if not affixed to the vehicle at time of impoundment if the vehicle is to be driven from the storage location;

5. Presentation of current and valid security verification if the vehicle is to be driven from the storage location;

6. Payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against such vehicle by the city;

7. Payment of all fines and costs due the city because of traffic law or other law violations involving such vehicle which have not been paid;

8. An impoundment fee n an amount shown on the Schedule of Fees maintained by the city clerk and shall be independent of any fines, other costs or fees that may be assessed from citations issued to any person for violation of traffic laws or other ordinance violations involving the impounded vehicles and in addition to any fees owed to the towing service for impoundment and storage; and

9. It is hereby declared to be the purpose of the impoundment fee provided for in this section to provide revenues for the purpose of public safety technology to include, but not limited to, Mobile Cop Air Cards, and all such impoundment fees be deposited into the Technology Fund. [Prior Code §18-32; Ord. No. 2009-05, 4/28/09; Ord. No. 639, 7/26/16]

§ 18-1304 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 article. (Prior Code §18-34; Ord. No. 2009-05, 4/28/09)

§ 18-1305 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. (Prior Code §18-35(1); Ord. No. 2009-05, 4/28/09)

§ 18-1306 VEHICLES ON BRIDGE.

An unattended vehicle left upon any bridge, viaduct or causeway, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded. (Prior Code §18-35(2); Ord. No. 2009-05, 4/28/09)

§ 18-1307 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, unless the driver or person in charge can provide immediately for the vehicle's custody or removal. (Prior Code §18-35(3); Ord. No. 2009-05, 4/28/09)

§ 18-1308 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. (Prior Code §18-35(4); Ord. No. 2009-05, 4/28/09)

§ 18-1309 ILLEGAL TRESPASS BY VEHICLE.

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage. (Prior Code §18-35(6); Ord. No. 2009-05, 4/28/09)

§ 18-1310 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, for more than forty-eight (48) hours, shall be impounded. (Prior Code §18-35(7); Ord. No. 2009-05, 4/28/09)

§ 18-1311 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. (Prior Code §18-35(8); Ord. No. 2009-05, 4/28/09)

§ 18-1312 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. (Prior Code §18-35(9); Ord. No. 2009-05, 4/28/09)

§ 18-1313 STOLEN VEHICLES; RECOVERY BY POLICE.

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded. (Prior Code §18-35(10); Ord. No. 2009-05, 4/28/09)

§ 18-1314 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 chapter. [Ord. No. 2009-05, 4/28/09]

§ 18-1315 SEIZED AND IMPOUNDED VEHICLE STORAGE.

A. Vehicles seized or impounded by the city may, at the direction of the police chief, be transported to the maintenance center or other place of storage owned and operated by the city, for reasons including investigative purposes, extraordinary purposes, or the intended vehicle seizure through court for narcotic statute violations. The owner of the vehicle shall be responsible to the city for the following costs prior to the city releasing the vehicle to the owner. The city manager, or his designee, may, to meet the best ends of justice or expedite on-going investigations, release the owner of part or all of the cost owed to the city except that portion of the incurred costs representing the actual towing expense which may not be waived.

1. The actual cost paid by the city to have the vehicle transported to the place of storage.

2. A storage charge per day or any portion thereof. For purposes of this section, the day of receipt shall constitute the first day and the day of release shall constitute the last day. The storage charge shall be set by motion or resolution of the city council; or

3. All fees incurred by the city, including lien filing fees, to either return the vehicle to the owner or sell the vehicle pursuant to statutory authority.

B. Prior to releasing the vehicle, the owner shall obtain authorization to release from the police department and pay all costs listed in paragraphs 1 and 2 of Subsection A above. If the owner fails to claim the vehicle, or within one-hundred twenty (120) days of the seizure or impoundment of the vehicle, or within one-hundred twenty (120) days of the release of the vehicle to the owner thereof by a court having jurisdiction (for example vehicles seized under the drug forfeiture statutes), then the city manager is directed to institute proceedings to have the vehicle disposed of under the applicable statutes of the state.

C. The wrecker service transporting the seized vehicle to the city storage facility shall be released of all liability for damages or loss of contents of such vehicle being received at the city storage facility as of the time of receipt.

D. The city shall cooperate with all law enforcement agencies to speedily dispose of all seized and forfeited vehicle. [Ord. No. 639, 7/26/16]

§ 18-1316 NOTICE TO BE GIVEN TO OWNER OF IMPOUNDED VEHICLE IF KNOWN.

Whenever an officer removes an unattended vehicle from a street or highway as authorized in this chapter, and the officer has knowledge of or is able to ascertain from the motor vehicle registration the name and address of the last

registered owner thereof, such officer shall give or cause to be given notice in writing to such owner of the fact of such removal, the reasons therefore, and the place to which such vehicle has been removed.

§ 18-1317 REDEMPTION OF IMPOUNDED VEHICLES.

Presentation of the order of release as provided in this article at the place of impoundment together with payment or tender of payment of all impoundment costs and accrued storage charges due, shall entitle the person presenting such release to obtain possession of such vehicle.

ARTICLE 14

PENALTIES

§ 18-1401 Obedience to traffic code.

§ 18-1402 Penalties, specific and general.

§ 18-1401 OBEDIENCE TO TRAFFIC CODE.

A. It is an offense against the city for any person to do any act forbidden or to fail to perform any act required by this chapter.

B. It is an offense against the city for the parent of any child or for the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

C. It is an offense for any person to authorize or knowingly to permit any vehicle registered in his or her name to be driven or to stand or to be parked in violation of any of the provisions of this chapter. (Prior Code §18-120; Ord. No. 2009-05, 4/28/09)

§ 18-1402 PENALTIES, SPECIFIC AND GENERAL.

Except as otherwise provided in this part, any person violating any of the provisions of this part containing the traffic laws of the city, or who performs any unlawful act as defined in this part, or who fails to perform any act required by this part, shall be guilty of an offense and upon conviction thereof shall be fined or punished as provided in Schedule of Fines contained in this code.” (Ord. No. 2009-05, 4/28/09)

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CHAPTER 19
TRANSPORTATION
ARTICLE 1
MISCELLANEOUS PROVISIONS

§ 19-101 Reserved.

ARTICLE 2
PENALTY

§ 19-201 Penalty.

ARTICLE 1

MISCELLANEOUS PROVISIONS

§ 19-101 Reserved.

§ 19-101 RESERVED.

ARTICLE 2

PENALTY

§ 19-201 Penalty.

§ 19-201 PENALTY.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not exceeding the limits established in §8-301 of this code of ordinances. Each day's continuation of any such violation shall be deemed a separate offense.

CHAPTER 20

WARDS AND BOUNDARIES

ARTICLE 1

WARD BOUNDARIES

§ 20-101 Ward boundaries established.

ARTICLE 2

CORPORATE BOUNDARIES

§ 20-201 Corporate boundaries map.

ARTICLE 3

ZONING DISTRICT BOUNDARIES

§ 20-301 Zoning district boundaries.

ARTICLE 1

WARD BOUNDARIES

§ 20-101 Ward boundaries established.

§ 20-101 WARD BOUNDARIES ESTABLISHED.

The boundaries of the four (4) wards within the city of Blanchard, Oklahoma, shall be as follows:

1. *Ward One (1).* All that portion of the city of Blanchard lying East of State Highway 76 and North of North Fourth (4th) Street and West of U. S. Highway 62.

2. *Ward Two (2).* All that portion of the city of Blanchard lying West of State Highway 76 and North of North Tenth (10th) Street; and all that portion of the city of Blanchard lying West of Main Street and North of North Fourth (4th) Street and East of County Line Road and South of North Tenth (10th) Street.

3. *Ward Three (3).* All that portion of the city of Blanchard lying South of North Tenth (10th) Street and West of County Line Road; and all that portion of the city of Blanchard lying South of North Fourth (4th) Street and West of Main Street and North of South Seventh (7th) Street; and all that portion of the city of Blanchard lying South of South Seventh (7th) Street and West of State Highway 76.

4. *Ward Four (4).* All that portion of the city of Blanchard lying South of U.S. Highway 62 and East of Main Street and North of South Seventh (7th) Street; and all that portion of the city of Blanchard lying North of U.S. Highway 62 and East of Main Street and South of North Fourth (4th) Street; and all that portion of the city of Blanchard lying South of South Seventh (7th) Street and East of State Highway 76. (Ord. No. 1992-05, 7/14/92; Ord. No. 576, 11/27/12)

ARTICLE 2

CORPORATE BOUNDARIES

§ 20-201 Corporate boundaries map.

§ 20-201 CORPORATE BOUNDARIES MAP.

1. A map depicting the current corporate boundaries of the city of Blanchard, Oklahoma, shall be maintained and displayed in the office of the city clerk-treasurer.

2. This map shall reflect all current annexation and de-annexation ordinances and orders, all plat and/or street vacation orders, all official street names, and shall represent the official map of the corporate boundaries of the city of Blanchard, Oklahoma.

3. This map may be combined with the official zoning districts map (see article 3 of this chapter). All dedicated streets and alleys shall be shown on this map; vacated streets and alleys shall not be shown on said map, but shall be re-drawn by the methods provided by Oklahoma Statutes.

4. This map shall be available for public inspection.

ARTICLE 3

ZONING DISTRICT BOUNDARIES

§ 20-301 Zoning district boundaries.

§ 20-301 ZONING DISTRICT BOUNDARIES.

1. A map showing the boundaries of all current zoning districts within the entire corporate boundaries of the city of Blanchard, Oklahoma, shall be maintained in the office of the city clerk-treasurer, if a zoning ordinance is in effect within said municipality.

2. This map shall reflect all current zoning ordinance provisions (see chapter 15, this code of ordinances) and all current Ordinances re-zoning land, and shall represent the official zoning districts map for the city of Blanchard, Oklahoma.

3. This map may be combined with the official map of the corporate limits of the city of Blanchard, Oklahoma.

4. This map shall be available for public inspection.

Ed. Note: see Article 2 of this chapter; and Chapter 21 Zoning Regulations.

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Zoning Regulations



City of Blanchard Oklahoma

Acknowledgements

Blanchard City Council

Eddie Odle, Mayor, At Large

David Miller, Ward One

Michael Scalf, Ward Two

Matt Alexander, Vice Mayor, Ward Three

Steve Misenheimer, Ward Four

Blanchard Planning Commission

Jeff Tompkins, Chairman

Steve Gee, Commissioner

William Cloud, Commissioner

D Smith, Vice-Chairman

Albert Ryans, Commissioner

Blanchard Planning Staff

Robert L. Floyd, City Manager

David L. Perryman, City Attorney

Brenda Baird, Interim City Clerk

Ryan Conner, City Planner

Amended

28 January 2020

ZONING REGULATIONS

CHAPTER 21

ARTICLE 1

PLANNING & ZONING COMMISSION

- § 21-101 Planning and zoning commission; created.
- § 21-102 Quorum; voting.
- § 21-103 Organization and rules.
- § 21-104 Power to employ staff.
- § 21-105 Powers and duties.
- § 21-106 Purposes of plan.
- § 21-107 Subdivision of land.
- § 21-108 To have powers of a zoning commission.
- § 21-109 Uniformity of regulations.
- § 21-110 Comprehensive plan.

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TITLE, PURPOSE, INTERPRETATION AND APPLICATION, JURISDICTION, SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES

- § 21-201 Title.
- § 21-202 Purpose.
- § 21-203 Interpretation and application.
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- § 21-205 Severability clause.
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- § 21-302 Zoning map incorporated.
- § 21-303 District boundaries established.
- § 21-304 Maintenance of official zoning map.

ARTICLE 4

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ARTICLE 5

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§ 21-702 Uses permitted.
§ 21-703 Area and height regulations.
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- § 21-1013 Planning commission action.
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ARTICLE 1

PLANNING & ZONING COMMISSION

- § 21-101 Planning and zoning commission; created.
- § 21-102 Quorum; voting.
- § 21-103 Organization and rules.
- § 21-104 Power to employ staff.
- § 21-105 Powers and duties.
- § 21-106 Purposes of plan.
- § 21-107 Subdivision of land.
- § 21-108 To have powers of a zoning commission.
- § 21-109 Uniformity of regulations.
- § 21-110 Comprehensive plan.

§ 21-101 PLANNING AND ZONING COMMISSION; CREATED.

There is hereby created a planning and zoning commission of the city of Blanchard, Oklahoma. Said commission shall be composed of five (5) appointive members, all of whom shall be residents of the city of Blanchard, nominated by the mayor and appointed by the city council. The city manager and city engineer shall be ex officio members of the commission without vote. Each appointed member shall hold office for a term of three (3) years ending at 7:30 o'clock p.m. on the first Tuesday in July, or until his successor takes office, except that in the first instance three (3) shall be appointed to serve until 7:30 o'clock p.m. on the first Tuesday in July 1996, two (2) to serve until that time in 1997. The appointed members of said commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation, and shall serve without compensation. Members may be removed by the mayor with approval of the city council, but only for the good of the service. Vacancies occurring otherwise than through the expiration of term shall be filled only for the unexpired term. The city manager or his/her designate shall be the zoning officer.

§ 21-102 QUORUM; VOTING.

Three (3) members of the planning and zoning commission shall constitute a quorum for the transaction of business. No action shall be taken which is binding upon said planning and zoning commission unless concurred in by not less than a majority of the authorized membership of the planning and zoning commission.

§ 21-103 ORGANIZATION AND RULES.

The commission shall elect a chairperson, and a vice chairperson, and may create and fill such other offices as it may deem necessary. The city clerk shall

be the recording secretary of the planning commission. The term of the chairperson and vice chairperson shall be one year ending at 7:30 o' clock p.m. on the first Tuesday in July, with eligibility for reelection. The planning and zoning commission shall hold at least one regular meeting each month. The chairperson or any three (3) members may call special meetings of the commission. The planning and zoning commission shall adopt rules for the transaction of business, and shall keep a record of its regulations, transactions, findings, and determinations, which record shall be a public record.

§ 21-104 POWER TO EMPLOY STAFF.

The planning and zoning commission shall have the power and authority to employ planners, engineers, attorneys, clerks, and other help deemed necessary within the limits of the appropriation fixed by the city council. The salary and compensation of such employees shall be fixed by the planning and zoning commission, and shall be paid out of the city treasury as is the salary or compensation of other officers and employees. In no event, shall the planning and zoning commission be authorized to create a deficiency.

§ 21-105 POWERS AND DUTIES.

The planning and zoning commission shall have the power and the duty to prepare and recommend to the city council for adoption a comprehensive plan for the physical development of the city of Blanchard, Oklahoma. In conducting its work, the planning and zoning commission may consider and investigate any subject matter tending to the development and betterment of the municipality, and may make recommendations as it may deem advisable concerning the adoption thereof to the city council. The planning and zoning commission may make or cause to be made surveys, studies, maps, and plans in the conduct of its activities. Before final action is taken by the city council on the location or design of any public building, statue, memorial, park, boulevard, street, or alley, playground, public grounds, bridge, or change in any location of any street or alley, such question shall be submitted to the planning and zoning commission for investigation and report. In the preparation of the comprehensive plan, the planning and zoning commission may from time to time prepare and recommend to the city council for adoption a part or parts thereof, which parts shall cover one or more major geographical divisions of the city or one or more major elements of the comprehensive plan. The planning and zoning commission may from time to time recommend extending, amending, or changing any portion of the comprehensive plan. The planning and zoning commission shall also have all other powers conferred upon a city planning commission by 11 O.S. §45-103 and other state law.

§ 21-106 PURPOSES OF PLAN.

In the preparation of such plan, the planning and zoning commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the city of Blanchard, Oklahoma, with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire, and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

§ 21-107 SUBDIVISION OF LAND.

The planning and zoning commission may prepare and recommend to the city council for adoption rules and regulations governing the subdivision of land within the corporate limits of the city of Blanchard, Oklahoma. All plans, plats, or replats of land laid out in two or more lots, plats, or parcels, streets, alleys, or other ways, intended to be dedicated to public use within the corporate limits of the city, shall first be submitted to the planning and zoning commission for its recommendations. The planning and zoning commission shall, with the help of appropriate municipal officials, check the proposed dedications or subdivision of land to insure compliance with the rules and regulations governing subdivisions of land and with other elements of the comprehensive plan for the city of Blanchard, Oklahoma. The disapproval of any such plan, plat, or replat by the city council shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the mayor, attested by the city clerk, certifying the approval and acceptance thereof by the city council.

§ 21-108 TO HAVE POWERS OF A ZONING COMMISSION.

The planning and zoning commission shall have the power to prepare and to recommend to the city council for adoption a zoning ordinance to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures, and land for trade, industry, residences, and other purposes. The planning and zoning commission shall also have all other powers conferred upon zoning commissions by 11 O.S. §43-109 and other state law.

§ 21-109 UNIFORMITY OF REGULATIONS.

The planning and zoning commission may recommend the division of the municipality into districts of such number, size, and area as may be deemed best suited to carry out the zoning ordinance. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

§ 21-110 COMPREHENSIVE PLAN.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

ARTICLE 2

TITLE, PURPOSE, INTERPRETATION AND APPLICATION, JURISDICTION, SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES

- § 21-201 Title.
- § 21-202 Purpose.
- § 21-203 Interpretation and application.
- § 21-204 Jurisdiction.
- § 21-205 Severability clause.
- § 21-206 Repeal of conflicting ordinances

§ 21-201 TITLE.

This ordinance shall be known as and may be cited and referred to as the “Zoning Ordinance of the city of Blanchard, Oklahoma”.

§ 21-202 PURPOSE.

This ordinance is enacted for the purposes of promoting the health, safety, morals, and general welfare of the community; lessening congestion in the streets, securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water,

sewerage, schools, parks, and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the community; and promoting the development of the community in accordance with a comprehensive plan.

§ 21-203 INTERPRETATION AND APPLICATION.

As concerns interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinance, the provisions of this ordinance shall control. Terms and words are to be used and interpreted as defined in Article 4 of this ordinance. Words used in the present tense include the future; the singular shall include the plural, and the plural the singular; the word “building” shall mean as well the word “structure”; the word “used” shall include “arranged”, “designed”, “constructed”, “altered”, “converted”, “rented”, “leased”, or “intended to be used”, and the word “shall” is mandatory and not directory, except where the natural construction of the writing indicates otherwise.

§ 21-204 JURISDICTION.

This ordinance shall be in full force and effect in the corporate limits of the city of Blanchard, Oklahoma. Territory annexed to the corporate limits of the city of Blanchard, Oklahoma, subsequent to the effective date of this ordinance shall immediately be subject to the provisions of this ordinance. The city council of the city of Blanchard shall assign zoning classifications at the time of its annexation. Said assignment of zoning classification may be made with or without input from the planning commission of the city of Blanchard and may be made with or without input from the property owners. No public hearings of any kind shall be required prior to the assignment of zoning classifications made at the time of annexation of property. Said annexed territory will retain such assigned zoning classification until such time said territory may be otherwise rezoned in the manner provided by law. The city council of the city of Blanchard may approve a planned unit development master plan and design statement prior to or at the time of annexation. No public hearings of any kind shall be required prior to the approval of said master plan and design statement if the master plan and design statement is approved by the city council prior to or concurrently with the annexation of the property subject thereto. [Ord. No. 2002-11, 1-10-03]

§ 21-205 SEVERABILITY CLAUSE.

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.

§ 21-206 REPEAL OF CONFLICTING ORDINANCES.

Any code of the city of Blanchard, Oklahoma, and particularly Ordinance No. 1991-04 as amended January 1991 and July 1992, and any other ordinance now in effect that conflicts with any provisions of this ordinance is hereby repealed.

ARTICLE 3

ESTABLISHMENT OF DISTRICTS

- § 21-301 Zoning districts; established.
- § 21-302 Zoning map incorporated.
- § 21-303 District boundaries established.
- § 21-304 Maintenance of official zoning map.

§ 21-301 ZONING DISTRICTS; ESTABLISHED.

For the purpose of this ordinance and the promotion of public health, safety, and general welfare of the community, the following districts are hereby established for the city of Blanchard, Oklahoma:

1. S-1, Suburban District.
2. A-1, Agricultural District.
3. R-1, Single-Family Residential District.
4. R-2, Combined Residential District.
5. R-3, Multi-Family Residential District.
6. R-E, Residential Estates District.
7. C-1, Office District.
8. C-2, Convenience Commercial District.
9. C-3, Planned Shopping Center District.
10. C-4, Restricted Commercial District.
11. C-5, Automotive & Commercial Recreation District.
12. C-6, General Commercial District.

13. I-1, Light Industrial District.
14. I-2, Heavy Industrial District.
15. PUD, Planned Unit Development Supplemental District.
16. FD, Flood Plain Supplemental District. [Amended by Ord. No. 615, 7/28/15]

§ 21-302 ZONING MAP INCORPORATED.

The locations and boundaries of the zoning districts shall be established by ordinance and shall be delineated and shown on a map entitled “Zoning Map of the city of Blanchard, Oklahoma”, and the zoning map is hereby incorporated as a part of this ordinance.

§ 21-303 DISTRICT BOUNDARIES ESTABLISHED.

The boundaries of a zoning district shall extend to a center line of abutting streets, regardless of the legal description used in establishing such districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the “Official city of Blanchard Zoning Map” the planning and zoning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the board of adjustment, and the board of adjustment shall make the final determination.

§ 21-304 MAINTENANCE OF OFFICIAL ZONING MAP.

It shall be the duty of the zoning administrator to maintain an up-to-date official “Zoning Map of the city of Blanchard, Oklahoma” including all amendments directly adopted by the city council.

ARTICLE 4

DEFINITIONS

§ 21-401 Interpretation of words and terms.

§ 21-401 INTERPRETATION OF WORDS AND TERMS.

1. ACCESSORY SIGN: A sign secondary to the permanent wall sign, ground sign, or other permanent signage allowed at a commercial or industrial location which involves only a poster, or a banner, or a business company flag advertising a commercial message which may be changeable.

2. ACCESSORY USE OR STRUCTURE: A use or structure customarily incidental, appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith.

3. AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the commercial feeding of swine or other animals, stockyards or commercial feed lots for cattle.

4. ALLEY: A minor right-of-way dedicated to public use not more than thirty (30) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

5. AUTOMOBILE OR TRAILER SALES AREA: An open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

6. AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle detailing or steam cleaning. Storage of vehicles for parts or salvage operations is not permitted. Vehicles remaining on the premises of an automobile repair facility more than thirty (30) consecutive days shall be considered as auto storage and shall not be permitted.

7. AUTOMOBILE SERVICE STATION OR FILLING STATION: Any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.

8. AUTOMOBILE WASH OR AUTOMATIC CAR WASH: A building or structure or chain conveyor, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles.

9. AWNING: A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.

10. BANNER SIGN: A sign constructed of cloth or plastic material attached to the wall of a building or secured between two supporting members that are anchored to the ground.

11. BENCH SIGN: A sign containing advertising matter which is displayed on any bench or seat placed at any location for the convenience of the public.

12. BLOCK: In describing the boundaries of a district, the word “block” refers to the legal description. In all other cases, the word “block” refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersecting street and a railroad right-of-way or between an intersecting street and a watercourse.

13. BOARDING HOUSE AND ROOMING HOUSE: Where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns and other such facilities.

14. BOARD OF ADJUSTMENT: The board of adjustment of the city of Blanchard, Oklahoma; also referred to as the “board”.

15. BUILDING: Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals, or property.

16. BUILDING ACCESSORY: See “accessory use or structure”.

17. 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 decking of a mansard roof or the average height of the highest gable of a pitch or hip roof.

18. BUILDING LINE: A line established beyond which no part of a building shall project, except as otherwise provided by this ordinance.

19. BUILDING, PRINCIPAL: A building or buildings in which the principal use of the building site is conducted. In any residential district, any dwelling shall be deemed to be the principal building on the building site.

20. BULLETIN BOARD: A permanent sign, of any type, used for the purpose of notification to the public of an event or occurrence of public interest, such as church service, political rally, civic meeting or other similar event or occurrences.

21. CANOPY: A permanently roofed shelter covering a sidewalk, driveway or other similar area, which is supported by the building to which it is attached.

22. CANOPY SIGN: Any sign constructed in or on a canopy.

23. CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.

24. CHILD CARE CENTER: Any place, home or institution which receives eight (8) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardians or custodians, and 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, 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 their institutional building while their parents or legal guardians are attending services or meetings or classes and other church activities.

25. CHILD CARE HOME: Homes licensed to keep no more than seven (7) children under the law approved by the state of Oklahoma.

26. CITY (COUNCIL) (COMMISSION) (BOARD OF TRUSTEES): The official governing body of the city of Blanchard.

27. CITY PLANNING COMMISSION: The Blanchard city planning and zoning commission, as established by the statutes herein before cited, also referred to as "planning commission". The city planning commission shall also be the zoning commission for the city of Blanchard.

28. CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises.

29. CLUB: A non-profit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

30. COMMERCIAL SIGNS: Any sign which advertises services or products or the availability of services or products at a specified location.

31. COMPREHENSIVE PLAN: The official city plan of the city of Blanchard, Oklahoma.

32. CONSTRUCTION SIGNS: Signs advertising site development, structure construction or other improvements of the property on which the sign is located. Must be removed thirty (30) days after completion of the project.

33. CONVALESCENT HOME: Also, a nursing home, a rest home; a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.

34. COVERAGE: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

35. DIRECTIONAL SIGN: A sign guiding or directing vehicular or pedestrian traffic onto or off a lot or within a lot.

36. DIRECTORY SIGNS: Directory signs are used to guide pedestrians and drivers to individual businesses within a multiple-tenant commercial development. Directory signs shall not be deemed to be ground or wall signs.

37. DWELLING: Any building or portion thereof designed or used as a residence of one or more persons, but not including a tent, cabin, trailer coach, boarding or rooming house, hotel or motel.

38. DWELLING, SINGLE-FAMILY: A building containing one dwelling unit and designed for or used exclusively by one (1) family.

39. DWELLING, TWO-FAMILY: A building containing two dwelling units and designed for or used exclusively by two (2) families; also includes the word “duplex”.

40. DWELLING, MODULAR: A relocatable living unit manufactured offsite and transported on an independent carrier unit to a permanent site which has been constructed in accordance with an “engineering bulletin” issued by the Office of Technical Standards, Department of Housing and Urban Development, Washington, D.C

41. DWELLING, MULTI-FAMILY: A building or portion thereof containing three or more dwelling units and designed for or used by three (3) or more families; also includes the word “apartments”.

42. DWELLING UNIT: A room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one family living independently of any other family.

43. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems,

including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

44. FAMILY: A person living alone or two or more persons related by blood or marriage, living together as a single housekeeping unit, using a single facility in a dwelling unit, for culinary purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house, or sorority house.

45. FENCE SIGN: A sign displayed on any structure used as a fence.

46. FLOOD (One-Hundred (100) Year Frequency): A flood having an average frequency of occurrence once in one-hundred (100) years although the flood may occur in any year, based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and run-off characteristics in the general region of the watershed, as determined by the city engineer, or as determined by the U.S. Corps of Engineers and confirmed by the city engineer or as determined by a registered professional engineer and certified by the city engineer.

47. FLOODWAY: The channel of a watercourse or drainage way and those portions of the adjoining lands which are reasonably required to carry and discharge the floodwater of the one-hundred (100) year frequency flood.

48. FLOOD HAZARD AREA: The land area adjoining a floodway which is not reasonably required to carry and discharge the floodwater of the one-hundred (100) year frequency flood but which would be inundated by the floodwater of the one-hundred (100) year frequency flood based on full urbanization of the watershed.

49. FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two buildings.

50. FRONTAGE: The lineal measurement of a lot boundary which is abutting a street.

51. GARAGE APARTMENT: A dwelling for one (1) family erected as a part of a private garage.

52. GARAGE, PARKING: Any building or portion thereof used for the storage of four 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.

53. GARAGE, PUBLIC: The structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles.

54. GARAGE, PRIVATE: A detached accessory building or portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers.

55. GARAGE, REPAIR: A building in which are provided facilities for the care, servicing, repair, or equipping of vehicles.

56. GRAND OPENING SIGN: Any temporary sign which calls attention to a new business.

57. GROUND SIGN: A sign which is supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a sign which is erected on the ground; providing that no part of the sign is attached to any part of any building structure or other sign.

58. HEIGHT: The vertical measurement of any structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure.

59. 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 building; provided that no trading and merchandising is carried on and in connection with which there is no display of merchandise or advertising sign other than one non-illuminated name plate, not more than two (2) square feet in area, attached to the main or accessory building, and no mechanical equipment is used except such as is customarily used in purely domestic or household purposes. A tea room restaurant, rest home, clinic, barber shop, beauty parlor, doctor's or dentist's office, child care home, tourist house or cabinet shop, metal shop, lawn mower repair, or auto repair garage shall not be deemed a home occupation.

60. HOSPITAL: See "medical facilities".

61. HOTEL: A building or group of buildings under one ownership containing six or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer parks, or camp,

hospital, asylum, orphanage, or building where persons are housed under restraint.

62. IDENTIFICATION SIGNS: Signs which identify churches, schools, hospitals, governmental facilities, streets, parks, historical landmarks or any structure or site either of a private or public nature that does not advertise services or products and is primarily for informational purposes.

63. INDUSTRY: Storage, repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use.

64. INSTITUTIONAL USES: Those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a non-profit basis.

65. JUNK OR SALVAGE YARD: A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

66. KENNEL: Any structure or premises on which three (3) or more dogs over four (4) months of age are kept.

67. LIVABILITY SPACE: The open space of a lot which is not allocated to or used for off-street parking or loading areas or for paved access to the off-street parking or loading area.

68. LOADING SPACE: A space on the same lot as the principal use of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen (14) feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

69. LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having access on a public street.

70. LOT, CORNER: A lot which has at least two (2) adjacent sides abutting on a street, provided that the interior angle at the intersection of such two sides is less than one- hundred thirty-five (135) degrees.

71. LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.

72. LOT, DOUBLE FRONTAGE: A lot having frontage of two (2) non-intersecting streets, as distinguished from a corner lot.

73. LOT, INTERIOR: A lot other than a corner lot.

74. LOT LINE: Any boundary of a lot.

75. LOT LINE, FRONT: The boundary of a lot, which abuts a public street. Where the lot abuts more than one street, the front lot line will be considered to be on the same street as the front lot line of the adjacent interior lot.

76. LOT LINE, REAR: The boundary of a lot which is most distant from and most nearly parallel to the front lot line.

77. LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.

78. LOT, WEDGE SHAPED: A lot situated so that the front is either wider or narrower than the rear of the lot.

79. LOTS OF RECORD: A separate and distinct parcel designated on a legally recorded subdivision plat or a legally recorded deed filed in the records of McClain County, state of Oklahoma.

80. MANUFACTURED HOUSING UNIT: A dwelling which is manufactured off-site and transported to the lot in one or more sections and is situated on a foundation and anchored and otherwise conforming to the Manufactured Housing Construction and Safety Standards Code as administered by the U.S. Department of Housing and Urban Development; complete and ready for occupancy except for minor and incidental unpacking and assembly operations, connection to utilities, and taxable on the basis of conventional structures which conform to the city's codes such as building, housing, fire prevention, electrical, plumbing and mechanical.

81. MARQUEE SIGN: A sign attached to a structure that is attached to, and projects from, a building.

82. MEAN LOT ELEVATION: The average elevation of a lot.

83. MEDICAL FACILITIES:

a. Nursing home, rest or convalescent homes: see "*convalescent home*".

- b. Dental or Medical Clinic: A building used for the examination and treatment of the physically ill, provided that no facilities are provided for patients remaining overnight except under emergency conditions except as provided for in §21-505(B).
- c. Dental or Doctor's Office: The same as dental or medical clinic, including the various dental and medical specialties.
- d. Hospital: An institution providing physical and mental health services primarily for human in-patient laboratories, out-patient departments, training facilities, central service 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.

84. MOBILE HOME: A detached residential dwelling unit having a maximum width of sixteen feet, designed for long term occupancy and containing sleeping accommodations and designed for transportation, after fabrication, on its own wheels with the carriage frame for transportation being an integral part of the construction of the unit including axles, wheels and hitch, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, and connection to utilities, and not taxable on the basis of conventional structures which are taxed according to ad valorem tax criteria, whether or not its wheels, rollers, skids, or other rolling equipment have been removed, and whether or not any addition thereto has been built on the ground, and which does not conform to the city's codes such as building, housing, fire prevention, electrical, plumbing and mechanical.

85. MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for placement of mobile homes to be occupied as residences.

86. MOBILE HOME LOT: A portion of a mobile home park allocated to the exclusive use of the occupants of a single mobile home.

87. MODEL HOME SIGN: Any temporary sign which calls attention to a model home for sale or rent in a subdivision.

88. MOTEL: An area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient persons.

89. OFF-PREMISE SIGN: Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered at a different site than the premises where the sign is erected.

90. OPEN HOUSE SIGN: Any temporary sign which calls attention to a home for sale or rent which is temporarily open to the public and staffed during the “*open house*” event.

91. OPEN SPACE: Area included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and eaves of porches.

92. PARCEL: A lot as defined herein.

93. PARKING SPACE: A permanently surfaced area of not less than two-hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

94. PLANNING COMMISSION: see “*city planning commission*”.

95. PORTABLE BUILDING: A storage or accessory building no larger than one-hundred and fifty (150) square feet, built offsite and constructed on skids.

96. POLITICAL SIGN: Any signs concerning the candidacy of an individual or individuals for public office or concerning support or opposition to any public issue.

97. PORTABLE SIGN: A temporary sign which is removable from one location to another and not permanently attached to the ground or to any immobile structure, whose primary function during a limited time period, is to provide information about a business or special community activity.

98. PROJECTING SIGN: A sign extending in whole or in part fifteen (15) inches or more horizontally beyond the surface of the building to which the sign is attached, but not including a “marquee sign.”

99. REAL ESTATE SIGN: A sign indicating the availability for sale, rent, or lease of the specific lot or parcel of land, building or portion of a building upon which the sign is erected or displayed.

100. ROOF SIGN: A sign painted on the roof of a building; supported by poles, uprights or braces extending from the roof of a building; or projecting above the roof line of a building, but not including a sign projecting from or attached to a wall.

101. ROOMING HOUSE: see “*boarding house*”.

102. SIGN: Any word, lettering, part of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. “*For sale*” and “*for rent*” shall be deemed signs within the meaning of this definition, but the term “*sign*” shall not include the flag, pennant, or insignia of any nation, state, city, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event used for a public purpose in the public interest.

103. SIGN, DISPLAY SURFACE AREA: The net geometric area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineations, provided that only one face of a double-faced sign shall be included in the computation of display surface area.

104. SIGN, ILLUMINATED: A sign designed to give forth any artificial light, or designated to reflect light from one or more sources, natural or artificial.

105. SIGN, PROJECTING: A sign erected on the face or outside wall of a building which projects out at any angle therefrom.

106. SIGN, TEMPORARY: Signs of temporary nature used to advertise the premises for sale, rent, or lease.

107. STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.

108. STREET: A public right-of-way more than thirty (30) feet in width which provides the primary public means of access to abutting property and used primarily for vehicular circulation.

109. STREET, ARTERIAL: Any street designated by the city council and/or as may be designated on the thoroughfare plan as an arterial, primary arterial, secondary arterial, major street, etc.

110. STREET, COLLECTOR: A street collecting traffic from minor streets and serving as the most direct route to an arterial street or a community facility. Any street may be designated by the city council as a collector street when it serves, or when extended, may serve more than fifty (50) dwelling units.

111. STREET, MINOR: Any street not designated on the thoroughfare plan as an arterial.

112. STRUCTURAL ALTERATION: Any change in the structural members of a building, such as walls, columns, beams or girders.

113. STRUCTURE: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improvement areas).

114. SUSPENDED SIGN: A sign suspended from the ceiling of an arcade, marquee, canopy, or other architectural projection from a building.

115. THOROUGHFARE PLAN: The part of the comprehensive plan referring to transportation development goals, principles, and standards; also includes use of the words “major street plan” and “trafficways plan”.

116. TIME-TEMPERATURE-DATE SIGN: A sign which displays the time, outdoor temperature and/or date of the month.

117. TRAILER: A portable or mobile unit, other than a mobile home, used or designed to carry or transport material or animals.

118. VEHICLE MOUNTED SIGN: Any sign displayed on a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer, or other vehicle, which is not used in the normal activities of the enterprise to which the sign refers and is not designed to be removed from the site on a frequent basis.

119. WALL SIGN: A sign painted on or attached to the wall or surface of a building.

120. WIND SIGN: Any object whose purpose is to draw attention to the site upon which it is located. This type of display is intended as a promotional activity, which is not to exceed thirty (30) days in duration. It may consist of one or more balloons, flags, pennants, ribbons, spinners or streamers, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze. A banner anchored securely, so as to restrict movement to a minimum, is not a wind sign.

121. WINDOW SIGN: A sign which is painted on, applied or attached to or located within three (3) feet of the interior of a window, which can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included as part of a window sign.

122. YARD: A required space on a lot unobstructed except as expressly permitted.

123. YARD, FRONT: A yard extending across the full width of a lot from side lot line to side lot line abutting on a street, into which a building may not protrude.

124. YARD, REAR: A yard extending across the rear of a lot measured from side lot line to side lot line.

125. YARD, SIDE: A yard extending from front yard to the rear yard abutting the side lot line, into which no building may protrude. (Ord. No. 2004-07, 4/14/2004; Ord. No. 2004-18, 10/26/2004)

ARTICLE 5

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

- § 21-501 Limitations on use.
- § 21-502 Division of lots.
- § 21-503 Use of yards.
- § 21-504 Street access.
- § 21-505 Trailers and commercial vehicles.
- § 21-506 Off-street parking.
- § 21-507 Screening wall or fence.
- § 21-508 Sewage service.
- § 21-509 Group housing projects.
- § 21-510 Repealed.

§ 21-501 LIMITATION ON USE.

A. Application of regulations in districts authorized. No land, building, structure, or improvement 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 accordance with the use, height, area, coverage, yard, space, and other requirements established in the district in which such land, building, structure, or improvement is located, and such use is authorized, except as provided by Article 6, Nonconformities.

B. Application of regulations to the uses of a more restricted district. 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 set forth in the regulations of the more restricted district, unless otherwise specified.

C. Residential uses restricted to residential lots. 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 nonresidential purposes except that one accessory residential unit may be provided for a night watchman, motel manager, or similar purpose where essential to the main use of the lot.

§ 21-502 DIVISION OF LOTS.

An improved lot shall not hereafter be divided into two or more lots unless all lots resulting from such division comply with all the applicable yard, space, area, parking and loading regulations of the zoning district in which located.

§ 21-503 USE OF YARDS.

No building, structure, or improvement shall be permitted to encroach upon required yard spaces set forth in the provisions of this ordinance; provided, however, that surfaced parking facilities, signs, fences, and gasoline pumping service units may be permitted to occupy required yard space unless otherwise prohibited in those districts permitting such improvements and provided that no inoperative vehicle may be stored in the front yard of a lot in a residential district.

§ 21-504 STREET ACCESS.

No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street unless such construction is permitted under the terms of a PUD.

§ 21-505 TRAILERS AND COMMERCIAL VEHICLES.

A. Storage and parking in residential districts. 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 in any residential district except in accordance with the following provisions:

1. No more than one (1) commercial vehicle, which does not exceed one and one-half (1½) 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. No 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 thirty-six (36) 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 (48) 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 mobile home park authorized under the ordinances of the city of Blanchard, Oklahoma, except as provided for in.

3. Except as allowed in the A-1, Agricultural Zoning District, mobile homes shall be parked or stored only in a mobile home park which is in conformity with ordinances of the city of Blanchard, Oklahoma.

B. Display in commercial and industrial districts. Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of said vehicles or in such industrial districts allowing their manufacture; provided, however, said vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under the ordinances of the city of Blanchard, Oklahoma.

§ 21-506 OFF-STREET PARKING.

A. Purpose and application. It is the intent of these requirements that adequate parking and loading facilities be provided on off-the-street areas for each use of land within the city of Blanchard. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

B. Required open space. Off-street parking space may be a part of the required open space associated with the permitted use, unless otherwise prohibited; provided, however, the off-street parking requirements shall not be reduced or encroached upon in any manner.

C. 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.

D. Joint parking and off-site parking facilities. Whenever two 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. Owners jointly provide for their individual parking needs through a joint facility and/or facilities, provided that the total number of spaces so provided shall not be less than the sum of the individual requirements and that each business and/or other use is within two-hundred (200) feet of the parking facility.

E. 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 ten (10) feet by twenty (20) feet plus adequate area for ingress and egress.

F. Amount of off-street parking and loading required. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Dwelling, single-family or duplex: Two (2) parking spaces for each separate dwelling unit within the structure.
2. Dwelling, multi-family: The number of spaces provided shall not be less than two (2) parking spaces for each of the first fifty (50) dwelling units and one and one-half (1½) spaces for each dwelling unit above fifty (50) units.
3. Boarding or rooming house or hotel/motel: One (1) parking space for each sleeping room.
4. Hospitals: One (1) space for each four patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
5. Medical or dental clinics or offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees or one (1) space per each two hundred and fifty (250) square feet of floor area, whichever is greater.
6. 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.
7. Community center, theater, auditorium, church sanctuary: One (1) parking space for each four (4) permanent seats, based on maximum seating capacity, or each fifty (50) square feet of floor area in rooms without permanent seating but intended to be used for assembly purposes.
8. Convention hall, lodge, club, library, museum, place of amusement or recreation: One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
9. Eating places: One (1) off-street parking space for each two-hundred and twenty-five (225) square feet of gross floor area.
10. 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.
11. 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 areas used by the public.

12. Industrial establishments: One (1) off-street parking space for each five-hundred (500) square feet of gross floor area or one (1) off-street parking space for each two (2) employees, whichever is greater, and one (1) loading or unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area.

G. Paved surface required. All parking spaces shall be paved with a sealed surface permanent pavement and maintained in a manner that no dust will result from continued use.

H. Off-street parking lots located with or adjacent to a residential district. Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the residential district shall be enclosed with a screening wall or fence as specified under §21-507.

2. No parking shall be permitted within a front yard when the parking lot is located in a residential district.

3. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

4. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

5. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses.

6. 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.

§ 21-507 SCREENING WALL OR FENCE.

A. Specifications. When the provisions of this ordinance require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

1. Shall be constructed, designed, and arranged to provide visual separation of uses, irrespective of vegetation;

2. Shall not be less than six (6) feet nor more than eight (8) feet in height, and

3. Shall be constructed with all braces and supports on the interior.

B. Maintenance. The screening wall or fence shall be maintained by the owner of the zoning lot containing the use requiring the construction of the screening. Failure to maintain after notice by the zoning administrator shall constitute an offense hereunder.

§ 21-508 SEWAGE SERVICE.

No structure or use in any district shall be erected or commenced which does not have a connection to the public sewerage system, unless and until the county public health officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making his decision, the public health officer may require such percolation tests as he deems to be necessary. Such tests are to be made at the expense of the property owner.

21-509 GROUP HOUSING PROJECTS.

In the case of a housing project consisting of a group of two 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 ordinance to the individual buildings in such housing project, the application of such requirements to such housing project may be changed by the board of adjustment, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirement of the district in which the housing project is to be located.

§ 21-510 REPEALED. (Ord. No. 2004-07, 4/14/2004; Ord. No. 650, 2/28/17)

ARTICLE 6

NONCONFORMITIES

- § 21-601 Intent.
- § 21-602 Nonconforming lots of records.
- § 21-603 Nonconforming structures.
- § 21-604 Nonconforming uses of structures.
- § 21-605 Nonconforming uses of land.
- § 21-606 Changes in nonconformity.
- § 21-607 Future zoning district designation of permitted use.

§ 21-601 INTENT.

A. Within the districts established by this ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance.

B. Within the districts established by prior ordinances and by this ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land which were not in compliance or not in conformity with the prior ordinances, or this ordinance or amendments that may later be adopted. It is the intent of this ordinance to continue the prohibition and unlawful nature of those lots, structures and uses that existed as unlawful lots, structures and uses under the prior ordinances that are being replaced by this ordinance. Nothing in this ordinance shall be construed to legitimize any nonconforming lot, structure, or use that existed as an unlawful nonconforming lot, structure or use prior to the effective date of this ordinance.

§ 21-602 NONCONFORMING LOTS OF RECORD.

In any district in which a lot exists of record at the effective date of adoption or amendment of this ordinance which does not conform in size or area to the provisions of this ordinance, buildings for the uses permitted in such district may be erected on such lot, notwithstanding limitations imposed by other provisions of this ordinance.

§ 21-603 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.

2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction except in the floodway supplementary district as provided in §21-765, it shall not be reconstructed except in conformity with the provisions of this ordinance.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§ 21-604 NONCONFORMING USES OF STRUCTURES.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

§ 21-605 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this ordinance, lawful uses of land exist that are no longer permissible under the terms of this

ordinance as enacted or amended, such uses may be continued so long as they remain otherwise lawful subject to the following provisions:

1. No such conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

2. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

3. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

§ 21-606 CHANGES IN NONCONFORMITY.

A nonconforming use of a structure, or of a structure and land in combination, shall not be changed unless changed to a use permitted in the district in which located; except that the board of adjustment may permit a change to a more restricted nonconforming use and such change shall be construed as an abandonment of the former permitted nonconforming use.

§ 21-607 FUTURE ZONING DISTRICT DESIGNATION OF PERMITTED USE.

It is the intent of the zoning ordinance to designate an appropriate zoning district location for all permitted use of land, whether residential, commercial, or industrial. If application is received for the location of a particular use which is not listed in a specific zoning district, the application must be submitted to the planning commission for a zoning amendment. If approved, the zoning amendment would add the permitted use to the table of permitted uses in the appropriate zoning district.

ARTICLE 7

SPECIFIC DISTRICT REGULATIONS

DIVISION I

S-1 "SUBURBAN DISTRICT"

- § 21-701 General description.
- § 21-702 Uses permitted.
- § 21-703 Area and height regulations.
- § 21-704 Exceptions from ordinances.

§ 21-705 Repealed.

§ 21-701 GENERAL DESCRIPTION.

This district is established to provide for the low-density use of land for agricultural and residential purposes in rural areas. It is also the purpose of this district to provide a zoning classification that will provide property owners and residents the least restrictive means by which they can be residents of the city of Blanchard and simultaneously not be burdened with certain rules and regulations that are imposed upon areas that are subject to other zoning classifications. It is intended that future utilization of land for purposes other than agriculture or very low density residential be reclassified to the proper zoning district at the time of need. (Ord. No. 2002-09, 11/20/2002)

§ 21-702 USES PERMITTED.

Those uses in place on the date of the assignment of this zoning classification will be permitted to continue on lands within this district. Otherwise, no building or use shall be established or enlarged with this district, except a building or use devoted to one of the following purposes:

1. Agriculture, as defined in this ordinance
2. Improvements to single-family dwellings constructed and occupied prior to the assignment of this zoning classification
3. New single-family dwellings located on tracts of twenty (20) or more acres.
4. Churches constructed and occupied prior to the assignment of this zoning classification.
5. Public or private schools constructed and occupied prior to the assignment of this zoning classification.
6. Parks and forest preserves.
7. Temporary buildings or uses for constructed purposes only and not for dwelling purposes, nor for a period that exceeds the period of construction.
8. Accessory buildings or uses incidental to the foregoing principal uses, including home occupations as defined in this ordinance, private garages, guest houses, tool houses, private greenhouses, private dog kennels, stables, roadside stands and quarters for persons employed in connection with the principal use of the premises.

9. Public utility and service uses, including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, communication towers, microwave relay towers, cellular towers, water reservoirs, water towers, pumping stations and similar facilities. (Ord. No. 2002-09, 11/20/2002)

§ 21-703 AREA AND HEIGHT REGULATIONS.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
20 Acres	200 Feet (1)	--	35 Feet (2)	50 Feet (3)	50 Feet (4)	50 Feet (5)

1. If the lot sides upon a section line, the minimum lot frontage will be two-hundred and fifty (250) feet.

2. Except for structures utilized by public utilities.

3. If the lot fronts upon a section line, the minimum front yard setback will be one-hundred (100) feet.

4. If the lot fronts upon a section line, the minimum side yard setback will be one-hundred (100) feet.

5. If the lot fronts upon a section line, the minimum rear yard setback will be one-hundred (100) feet. (Ord. No. 2002-09, 11/20/2002)

§ 21-704 EXCEPTIONS FROM ORDINANCES.

Property located within this zoning classification shall be exempt from the following ordinances and rules and regulations of the city of Blanchard.

1. Building permits will be required for the construction of accessory buildings used in connection with the principal use of the premises for a nominal fee of twenty-five dollars (\$25.00) plus state fees and associated trade fees (ie: electrical, plumbing, mechanical, etc.).

2. The provisions of §7-304 of the city code with regard to storing of hay shall not be enforced within this zoning district.

3. The discharge of firearms within this district shall not be prohibited, provided the bullet or projectile does not pass, or is not likely to pass, through or fall within, a populated area or place of habitation or property belonging to an individual who has not consent to the discharge of firearms on, over or across

their property and/or within one-thousand (1,000) feet of a school zone or school property. (Ord. No. 2002-09, 11/20/2002; Ord. No. 2005-12, 6/14/2005; Ord. No. 615, 7/28/15)

§ 21-705 REPEALED. (Ord. No. 2005-12, 6/14/2005; Ord. No. 650, 2/28/17)

DIVISION II

A-1, AGRICULTURAL DISTRICT

- § 21-711 General description.
- § 21-712 Uses permitted.
- § 21-713 Area and height regulations.
- § 21-714 Repealed.

§ 21-711 GENERAL DESCRIPTION.

The regulations for the agricultural zoning district are designed to protect undeveloped areas from intensive uses until a use pattern is approved.

§ 21-712 USES PERMITTED.

The permitted uses in the agricultural district are set forth in the table below. Where the letter "x" appears on the line of a permitted use and in the proper column of a district, the listed use is permitted in that district subject to the general provisions of the zoning ordinance as set forth in the preceding sections. Where the letter "p" appears instead of the letter "x", this use is permitted subject to acquiring a conditional use permit as set forth in §21-921 et seq.

TABLE OF PERMITTED USES IN A-1 DISTRICT

<u>PERMITTED USES</u>	
Airway beacon or marker	x
Animal hospital (with or without outside runs)	x
Apiary	x
Arboretum or botanical garden	x
Boarding or training animals	x
Carnival, circus, tent revival or similar temporary open-air enterprise	x
Cemetery	x
Child Care Center	x
Child Care Home	x
Church, synagogue or temple, including Sunday School facilities	x
Civil defense and related activities facility	x
College, junior college, professional school, or university: public or equivalent private: Stadium or field house: other facilities	x

Convalescent, maternity or nursing home	x
Dairy farm; egg farm	x
Farm for raising dogs, cattle, goats, horses, sheep, rabbits, or poultry	x
Field crop farm	x
Fire protection and related activities facility	x
Fishery	x
Flood control works	x
Fruit, tree nut, or vegetable farm	x
Gas pipeline right-of-way	x
Gas pressure control station	x
Golf course: public or private	x
Growing and harvesting of trees	x
Home Occupation	x
Horticultural specialty farm, including greenhouse	x
Library: private, nonprofit and public other than branch	x
Mining, quarrying and earth extractions	x
Mobile Home (free standing)	x
Monastery, convent or novitiate	x
Nursery (trees and shrubs)	x
Park, playground or tot lot: public	x
Parish house, parsonage or rectory	x
Petroleum pipeline or pressure control station	x
Pipeline right-of-way or pressure control station	x
Police protection and related activities facility	x
Postal services facility	x
Public stable	x
Radio transmitting station or tower, other than amateur	x
Railroad right-of-way (excluding switching and marshaling yards)	x
Religious retreat facility	x
Retail sale of farm products sold on premises	x
School, elementary: public or equivalent private	x
School, secondary: public or equivalent private	x
Sewage pressure control station	x
Sewage treatment plant or sludge drying bed	x
Single-family detached dwelling	x
Skating rink: public	x
Solid waste disposal facility	x
Swimming pool: public	x
Telegraph transmitting or receiving station or right-of-way	x
Telephone exchange station, relay tower or right-of-way	x
Television transmitting station or relay tower	x
Tennis courts: public	x
Veterinarian treating animals on premises	x
Water pipeline right-of-way, treatment plant, storage facility or pressure control station	x
Wildlife area (public)	x
Zoological garden: public	x

§ 21-713 AREA AND HEIGHT REGULATIONS.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
2.5 Acres	100 Feet	20%	35 Feet	50 Feet	30 Feet	50 Feet

All lots and improvements within the A-1 District shall meet the following requirements:

1. All lots shall have not less than two-and-one-half (2½) acres of land including street dedications, and not more than one (1) principal dwelling shall be placed on any one (1) lot.

2. Each lot shall have a frontage of not less than one-hundred (100) feet provided, however, that right-of-way dedications may be included in calculating lot frontage. On wedge-shaped lots, the minimum frontage requirement shall be fifty (50) feet.

3. Not more than twenty percent (20%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.

4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot except for transmission towers and antennas.

5. All structures shall have not less than a fifty (50) foot front yard setback.

6. All principal structures shall have not less than a thirty (30) foot side yard setback. Accessory buildings may have side yards of not less than ten (10) feet.

7. All structures shall have not less than a fifty (50) foot rear yard setback.

8. No permit shall be issued for the location of a mobile home or manufactured housing on a lot of less than ten (10) acres. (Ord. No. 2006-06, 2/14/2006)

§ 21-714 REPEALED. (Ord. No. 2004-07, 4/14/2004; Ord. No. 650, 2/28/17)

DIVISION III

RESIDENTIAL DISTRICTS

- § 21-721 General description.
- § 21-722 Uses permitted.
- § 21-723 Lot, yard and height regulations.
- § 21-724 Area and height regulations for R-1, single family districts.
- § 21-725 Area and height regulations for R-2, combined residential districts.
- § 21-726 Area and height regulations for R-3, multi-family districts.
- § 21-727 Lot, yard and height regulations for the R-E, residential estates districts.
- § 21-728 Accessory uses.
- § 21-729 Repealed.

§ 21-721 GENERAL DESCRIPTION.

The regulations for the residential zoning districts are designed to: (1) protect the residential character of areas so designed from the noise, congestion and heavy traffic of commercial and industrial activities; (2) encourage a suitable environment for family life by providing for openness of living areas and permitting appropriate neighborhood facilities and compatible community facilities.

A. R-1, Single-Family Residential District:

The R-1 districts are designed to provide quiet, low-density areas for single family living with related recreational, religious and educational facilities protected from all commercial and industrial activity.

B. R-2, Combined-Residential District:

The R-2 district encourage similar basic restrictions of the R-1 districts and permit a quiet, slightly higher population density area for family living protected from all commercial and industrial activity.

C. R-3, Multi-Family Residential Districts:

The R-3 districts provide low and medium population density zone areas, containing a mixture of duplex, town house and multi-family dwellings along with a limited home occupations and limited private and public community uses where lots are large enough for family living, but small enough to afford low developments costs, economy of streets and utilities, and proximity to schools, churches and shopping.

D. R-E, Residential Estates Districts

The R-E district is designed to provide single family residential housing on large lots that are serviced by an improved interior access street. (Ord. No. 2005-09, 5/10/2005; Ord. No. 615, 7/28/15)

§ 21-722 USES PERMITTED.

The permitted uses in the residential districts are set forth in the table below. Where the letter “x” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district subject to the general provisions of the zoning ordinance as set forth in the preceding sections. Where the letter “p” appears instead of the letter “x” this use is permitted subject to acquiring a conditional use permit as set forth in §21-921.

TABLE OF PERMITTED USES IN RESIDENTIAL DISTRICTS

<u>PERMITTED USES</u>	<u>ZONING DISTRICT</u>			
	<u>R-E</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
Apartment house				x
Apartment hotel				x
Arboretum or botanical garden				x
Boarding or rooming house				x
Child Care Home				x
Church, synagogue or temple, including Sunday School facilities				x
Dormitories				x
Fire protection and related activities facility (Not a fire training facility)	x	x	x	x
Fraternity or sorority house				x
Greenhouses: (no products sold on premises)				x
Home Occupation	x	x	x	x
Library: private, nonprofit and public				x
Manufactured Housing Unit	x			x
Mobile home parks (See Blanchard Mobile Home Ordinance.)				x
Multiple-family dwelling				x
Parish house, parsonage or rectory	x	x	x	x
Park, playground or tot lot: public	x	x	x	x
Sewage pressure control station	x	x	x	x
Single-family detached dwelling	x	x	x	x
Tennis courts: public				x
Town house				x
Two-family dwelling			x	x
Utility Rights of Way	x	x	x	x
Water storage facility or pressure control station	x	x	x	x

§ 21-723 LOT, YARD AND HEIGHT REGULATIONS.

No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following sections. No building or structure shall be erected or enlarged that will cause maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following sections.

§ 21-724 AREA AND HEIGHT REGULATIONS FOR R-1, SINGLE-FAMILY DISTRICTS.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
9,000 SF	70 Feet	30%	35 Feet	25 Feet	5 ft interior lots	20% Depth of lot
					20 ft street side of corner lots	

All lots and improvements within the R-1 District shall meet the following requirements:

1. Maximum Density – No more than one (1) principal building shall be placed on any one (1) lot.
2. Minimum Lot Area – Nine-thousand (9,000) square feet for all single-family uses and twelve-thousand (12,000) square feet for all non-single family uses.
3. Minimum Frontage – Seventy (70) feet, except an irregularly shaped or wedged shaped lot may be used for single family construction with a minimum frontage of thirty-five (35) feet so long as the lot has a minimum area of nine-thousand (9,000) square feet and the front building line on the lot shall be a minimum of seventy (70) linear feet measured at an equal distance parallel to and from the front lot line.
4. Maximum Lot Coverage - Not more than thirty percent (30%) of the lot area shall be covered with improvements. Uncovered paved areas including patios and driveways are not considered improvements within the meaning of this provision.

5. Maximum Height - No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.

6. Minimum Front Yard Setback – twenty-five (25) feet.

7. Minimum Side Yard Setback from Interior Lot Lines on Single-Family, One Story Construction– five (5) feet.

8. Minimum Side Yard Setback from Interior Lot Lines on Single-Family, Multi-Story Construction – fifteen (15) feet.

9. Minimum Side Yard Setback from Interior Lot Lines on Non-Single Family Construction – The greater of either fifteen (15) feet or the height of the structure.

10. Minimum Side Yard Setback from Street side Lot Lines on Corner Lots – twenty (20) feet.

11. Minimum Rear Yard Setback – twenty-five (25) feet for the principal structure and all attached structures and ten (10) feet for an unattached accessory building. (Ord. No. 2004-18, 10/26/2004).

§ 21-725 AREA & HEIGHT REGULATIONS FOR R-2, COMBINED-RESIDENTIAL DISTRICT.

Single-Family Dwelling:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Front Yard Setback	Interior Side Yard Setback	Street-side Side Yard Setback	Rear Yard Setback
6,000 SF	50 Feet	35%	35 Feet	25 Feet	5 Ft for single story structures and 10 Ft for two-story structures	20 Ft	25 ft

Two-Family Dwellings:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Front Yard Setback	Interior Side Yard Setback	Street-side Side Setback	Rear Yard Setback
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						Yard Setback	
10,750 SF	75 Feet	35%	35 Feet	25 Feet	5 ft for single story structures and 10 ft for two- story structures	20 ft	The lesser of either 25 feet or 20% of the lot depth

All lots and improvements within the R-2 Combined-Residential District shall meet the following requirements:

1. All lots shall have not less than six-thousand (6,000) square feet for single-family dwellings and not less than ten-thousand seven-hundred and fifty (10,750) square feet for two-family dwellings and other uses, and not more than one (1) principal building shall be placed on any one (1) lot except as otherwise specified.

2. Each lot shall have a frontage of not less than fifty (50) feet for single-family dwellings and seventy-five (75) feet for two-family dwellings and all other uses. The frontage of any wedged shaped lot may be a minimum of thirty-five (35) feet provided the width of the lot at the front building line shall not be less than specified above.

3. Not more than thirty-five percent (35%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.

4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot without the approval of the board of adjustment.

5. All structures shall have not less than a twenty-five (25) foot front yard setback.

6. For a single- or two-family dwelling of one (1) story, the minimum width of the side yard shall be five (5) feet for interior lot lines and twenty (20) feet for the side yard abutting the side street on a corner lot (same as front yard setback). For two (2) story buildings, the minimum width of the side yard on interior lot lines shall be not less than ten (10) feet. For a principal building other than a single- or two-family dwelling, and for all single- or two-family dwellings exceeding two (2) stories, the minimum width of the side yard on the interior lot

lines shall be not less than the height of the building, but in no case less than fifteen (15) feet.

7. All structures shall have not less than a twenty-five (25) foot rear yard setback.

8. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.

9. Multiple adjacent and contiguous lots may be combined to meet the minimum area requirements or minimum frontage requirements for dwellings so long as not frontage or portion of the property used to qualify the location of one (1) dwelling structure is used to qualify the lot or lots for the location of additional dwelling structures.

10. Single lots may contain multiple two-family dwellings so long as each separate two-family dwelling meets all minimum lot area, lot frontage, and setback requirements without utilizing area or frontage assigned to another two-family dwelling.

11. Nothing herein shall be construed to authorize any property to be used in any manner that would otherwise be prohibited or restricted by private restrictive covenants. (Ord. No. 2004-14, 7/13/2004; Ord. No. 2004-18, 10/26/2004; Ord. No. 2005-09, 5/10/2005; Ord. No. 2005-11, 6/14/2005; Ord. No. 2005-17, 9/27/2005)

§ 21-726 AREA & HEIGHT REGULATIONS FOR R-3, MULTI-FAMILY DISTRICTS.

	Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
Duplex	10,500 SF	75 Feet	35%	35 Feet	25 Feet	5 Feet	25 Feet
Multi-Family	10,000 SF + 2,000 SF each unit over two	100 Feet	50%	35 Feet	1 Foot/15 Feet minimum	1 Foot/15 Feet minimum	25 Feet
Mobile Home Park	See Mobile Home Park Ordinance						

All lots and improvements within the R-3 Multi-Family Residential Districts shall meet the following requirements:

1. All lots shall have a frontage of not less than seventy-five (75) feet for two-family dwelling, and one-hundred (100) feet for multi-family dwelling and all other uses. The frontage of any wedge-shaped lot may be a minimum of thirty-five (35) feet provided the width of the lot at the front building line shall be not less than that specified above.

2. Not more than fifty percent (50%) of the lot area shall be covered with improvements, except that duplex shall not exceed thirty-five percent (35%) coverage. Paved areas are not considered improvements within the meaning of this provision.

3. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.

4. A minimum front yard setback of twenty-five (25) feet shall be provided on all duplex dwellings. One (1) foot of setback for each one (1) foot of height shall be provided for all uses other than single-family and duplex, but not less than a fifteen (15) foot front yard shall be provided.

5. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet. One (1) foot of setback for each one (1) foot of height for all uses other than duplex shall be provided.

6. A rear yard of twenty-five (25) feet shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.

7. All lots will be serviced by the city water system. (Ord. No. 2006-25, 8/8/2006)

§ 21-727 LOT, YARD AND HEIGHT REGULATIONS FOR THE R-E, RESIDENTIAL ESTATES DISTRICTS.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
43,560 SF	100 Feet	25%	35 Feet	40 Feet	25 Feet	40 Feet

All lots within the R-E District shall meet the following requirements:

1. All lots shall have not less than one (1) acre of land and not more than one (1) principal dwelling shall be placed on any one lot.

2. Each lot shall have a frontage of not less than one-hundred (100) feet, except that “wedge-shaped” lots shall have not less than a fifty (50) foot frontage.

3. Not more than twenty-five (25%) percent of the lot area shall be covered with improvements.

4. No structure shall exceed thirty-five (35) feet in height.

5. No structure shall be constructed within ninety (90) feet of the center of the section line and shall have not less than a forty (40) foot front yard setback.

6. The minimum side yard for any structure shall be twenty-five (25) feet.

7. There shall be a minimum rear yard setback of forty (40) feet for any structure, except that unattached accessory buildings may be located in the rear yard within not less than ten (10) feet of the rear lot line.

8. Direct access by a private driveway serving one lot from a section line road shall be permitted.

9. Properties within the R-E district will be permitted to have one (1) camping or travel trailer and one (1) hauling trailer per family living on the premises; however, said trailers shall not exceed thirty-six (36) 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 (48) 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 mobile home park authorized under the ordinances of the city of Blanchard, Oklahoma, except as provided for herein.

10. The keeping of animals shall be consistent with the requirements of the Blanchard code of ordinances and the following provisions: Livestock, including but not limited to horses, cattle, sheep, goats, ostriches, emus, llamas, and poultry shall not be permitted in the R-E, Residential Estates Zoning District. (Ord. No. 2006-09, 2/28/2006; Ord. No. 615, 7/28/15)

§ 21-728 ACCESSORY USES.

Accessory uses that are incidental to permitted uses in the residential districts are not detrimental to the adjacent property or character of the zone including guest houses, employee’s quarters, private garages, barns and sheds are permitted subject to the area and height regulations above. Accessory uses may include the following accessory signs, subject to provisions of §21-729:

bulletin boards, identification signs, nameplates, real estate signs and subdivision signs.

§ 21-729 **REPEALED.** (Ord. No. 2004-07, 4/14/2004; Ord. No. 650, 2/28/17)

DIVISION IV

COMMERCIAL DISTRICTS

- 21-731 General description.
- 21-732 Uses permitted.
- 21-733 Lot, yard and height regulations.
- 21-734 Repealed.
- 21-735 Canopies and awnings.
- 21-736 Exterior walls.

§ 21-731 **GENERAL DESCRIPTION.**

The regulations for the commercial districts are designed to: (1) encourage stable and efficient commercial areas to meet the needs for commercial goods and services of the trade area; (2) minimize the adverse effects of commercial uses on other land uses and (3) provide opportunities for investment with development of residential areas and thoroughfares.

A. C-1, Office District. This commercial district is for the conduct of general and professional office and related activity to meet the needs of the community in such a manner as to not be offensive to a general neighborhood containing residential, religious, recreational and educational elements. It is intended that this district be located so as not to introduce traffic onto solely residential streets or become an intrusion into a residential district, but to serve as a buffer between residential and more intensive commercial activities.

B. C-2, Convenience Commercial District. This commercial district is intended for a unified grouping in one or more buildings of retail shops and stores and personal services of limited size and service area that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods where retail shops and personal services are not otherwise readily available. It is intended that the suburban convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening.

C. C-3, Planned Shopping Center District. This commercial district is intended for a unified grouping, in one or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the community. It is intended that the planned shopping center be

developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.

D. C-4, Restricted Commercial District. This commercial district is established for major retail and service activity removed from the central business district with major thoroughfare access and provided with adequate open space and parking.

E. C-5. Automotive and Commercial Recreation District. This commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments which serve the entire community but do not and should not necessarily locate in more restrictive commercial districts.

F. C-6, General Commercial District. This commercial district is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the central business district or areas of mixed business enterprises restricted to the Blanchard Original Town Plat, all of Blocks 67, 68, 77, 78, 87, 88, 97 and 98. It will not be applied in the case of new commercial areas. All properties abutting said district may petition the city through the planning commission for expansion of the zoning district to include their property. Required parking in the central business district may be reduced by fifty (50) percent of the current parking requirements as they exist or may be amended, as recommended by the planning commission and approved by the city council.

§ 21-732 USES PERMITTED.

A. The permitted uses in the commercial districts are set forth in the table below. Where the letter “x” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district, subject to the general provisions of the zoning ordinance as set forth in the preceding sections. Where the letter “p” appears instead of the letter “x”, this use is permitted subject to acquiring a “*conditional use permit*” as set forth in §21-921 et seq.

PERMITTED USES	ZONING DISTRICT					
	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>C-6</u>
Advertising agency	x	x	x	x	x	x
Addressing, duplicating, mailing, mailing list, stenographic, telephone messages and similar office services	x	x	x	x	x	x
Aircraft parts, other than air-frames or engines; sales, service, rental or repair					x	x
Amusement park, commercial					x	x
Animal hospital serving household pets and similar small animals					x	x
Antique store			x	x	x	x
Apparel and accessories store		x	x	x	x	x
Armature rewinding shop					x	x
Artists or photographers studio not including the processing of film for others	x	x	x	x	x	x
Auctioneer office	x	x	x	x	x	x
Auditorium or arena			x	x	x	x
Automobile parking or storage, as a principal use			x	x	x	x
Automobile wash service including self service			x	x	x	x
Automobile accessory and supply store		x	x	x	x	x
Automobile and truck rental			x	x	x	x
Automobile and truck sales (new and used) service and repair			x	x	x	x
Automobile body shop					x	x
Automotive service station, not including body or motor repair or painting		x	x	x	x	x
Armored car service					x	x
Bait shop				x	x	x
Bank	x	x	x	x	x	x
Bar			x	x	x	x
Barber or beauty shop	x	x	x	x	x	x
Bicycle store		x	x	x	x	x
Billiard or pool parlor			x	x	x	x
Blueprinting, photocopying and similar reproductive services	x	x	x	x	x	x
Boarding or rooming house	x	x				x
Boat and marine rental, repair, sales				x	x	x
Bookstore		x	x	x	x	x
Bowling alley			x	x	x	x
Broadcasting or recording studio	x	x	x	x	x	x
Building supplies, including sale of lumber				x	x	x
Bus station				x	x	x
Cabinet Trim Shop				x	x	x
Carnival, circus or similar temporary amusement enterprise			x	x	x	x
Camera and photographic supply store		x	x	x	x	x
Child Care Center	x	x	x	x	x	x
Church, synagogue or temple, including Sunday School facilities	x	x	x	x	x	x
City or county jail					x	x
City, county, school district, state or federal facilities	x	x	x	x	x	x

Civil defense and related activities Facilities	x	x	x	x	x	x
Clinic, dental, medical or osteopathic, chiropodist, pharmacy	x	x	x	x	x	x
Clothing: custom dressmaking or altering for retail, including tailoring and millinery			x	x	x	x
Clothing, secondhand			x	x	x	x
College, junior college, professional school: public or equivalent private	x		x	x	x	x
Community center: public	x	x	x	x	x	x
Computing, data processing or similar Service	x		x	x	x	x
Convalescent, maternity or nursing home	x	x	x	x	x	x
Custom ceramic products				x		x
Dance hall			x	x	x	x
Delivery service			x	x	x	x
Department store			x	x	x	x
Detective or protective service				x	x	x
Diaper service			x	x	x	x
Direct selling organization			x	x	x	x
Disinfecting, deodorizing or exterminating service				x	x	x
Drafting service	x		x	x	x	x
Drive-in restaurant not serving beer			x	x	x	x
Driving school , private				x	x	x
Drugstore or proprietary store			x	x	x	x
Dry cleaning and dyeing plant				x	x	x
Dry cleaning, pickup or self service		x	x	x	x	x
Dry goods store			x	x	x	x
Eating place other than drive-in, not serving beer or providing dancing or entertainment		x	x	x	x	x
Electric regulating substation	x	x	x	x	x	x
Electrical supplies			x	x	x	x
Employment service	x		x	x	x	x
Farm equipment sales, service, rental, repair				x	x	x
Feed and fertilizer sales				x	x	x
Financial institution, other than pawnshop	x	x	x	x	x	x
Fire protection and related activities Facility	x	x	x	x	x	x
Fire extinguisher service				x	x	x
Fitness Centers using only Exercise Equipment	x	x	x	x	x	x
Florist shop		x	x	x	x	x
Food locker plant					x	x
Food store, including bakery (retail only)		x	x	x	x	x
Fraternal Organization	x		x	x	x	x
Freight forwarding service					x	x
Funeral home, mortuary or undertaking establishment	x			x	x	x
Fur repair and storage				x	x	x
Furniture and home furnishings, sales and repair			x	x	x	x
Garage or parking for commercial or public utility vehicles				x	x	x
Garden supply store		x	x	x	x	x
Gas pressure control station						
Gasoline service station	x	x	x	x	x	x

General store: general merchandise store		x	x	x	x	x
Gift, novelty or souvenir shop		x	x	x	x	x
Golf course, including commercially operated driving range or miniature golf course					x	x
Golf driving range, commercial					x	x
Gunsmith shop		x	x	x	x	x
Hardware store		x	x	x	x	x
Hat cleaning or repair shop		x	x	x	x	x
Heating equipment				x	x	x
Highway or street maintenance garage, yard or similar facility					x	x
Hospital, health center			x	x	x	x
Hospital restricted to mental, narcotics or alcoholic patients, sanitarium				x	x	x
Hotel or motel				x	x	x
Household appliance store		x	x	x	x	x
Ice vending establishment		x	x	x	x	x
Interior decorating shop	x	x	x	x	x	x
Jewelry sales and repair		x	x	x	x	x
Laboratory: research, development or testing	x		x	x	x	x
Laundry, pickup station only		x	x	x	x	x
Laundry plant					x	x
Laundry, self service		x	x	x	x	x
Leather goods or luggage store		x	x	x	x	x
Library: private, nonprofit and public, other than branch	x	x	x	x	x	x
Limited price variety store		x	x	x	x	x
Linen supply or industrial laundry				x	x	x
Liquor store		x	x	x	x	x
Locksmith, key shop		x	x	x	x	x
Lumber					x	x
Mail order house: catalog office or retail store			x	x	x	x
Medical or dental clinic	x	x	x	x	x	x
Medical or dental laboratory		x	x	x	x	x
Mobile homes or travel trailers, sales and service			x	x	x	x
Monument sales				x	x	x
Motion picture distribution and services					x	x
Motion picture theater			x	x	x	x
Motion picture theater, drive-in					x	x
Museum or art gallery		x	x	x	x	x
Music, musical instruments or phonograph record store	x	x	x	x	x	x
Multipurpose Recreational Complexes			x	x	x	
Newspaper offices, print shop				x	x	x
News stand		x	x	x	x	
Office equipment and supplies, retail sales, service, rental or repair			x	x	x	x
Office: general, nonprofit membership association, professional and governmental	x	x	x	x	x	x
Oil field or oil well supplies					x	x
Optician or optometrist	x	x	x	x	x	x

Outdoor advertising plant					X	X
Paint, glass or wallpaper store			X	X	X	X
Parish house, parsonage or rectory	X	X	X	X	X	X
Pawnshop			X	X	X	X
Pet shop			X	X	X	X
Photofinishing service		X	X	X	X	X
Picture framing		X	X	X	X	X
Pipeline pressure control station	X	X	X	X	X	X
Plumbing fixtures, sales and service			X	X	X	X
Postal service facilities	X	X	X	X	X	X
Printing or publishing, including engraving or photo-engraving			X	X	X	X
Police protection and related activities facilities	X	X	X	X	X	X
Radio, television, phonograph or other household electronics equipment store		X	X	X	X	X
Radio transmitting station or tower, other than amateur			X	X	X	X
Railroad passenger terminal					X	X
Religious goods store		X	X	X	X	X
Sales, service, repair or rental of business machines			X	X	X	X
Sales of Swimming Pools and Accessories				X	X	
School, elementary: public or equivalent private	X	X	X	X	X	X
School, private: barber, beauty, business, commercial art, correspondence, stenographic, trade or vocational	X	X	X	X	X	X
School, secondary: public or equivalent Private	X	X	X	X	X	X
Sewage pressure control station	X	X	X	X	X	X
Sewing machine store		X	X	X	X	X
Shoe sales and repair		X	X	X	X	X
Short term parking for recreational vehicles [for periods of 30 days or less]				X	X	X
Sign painting				X	X	X
Skating rink					X	X
Sporting goods sales		X	X	X	X	X
Stadium, arena or similar facility			X	X	X	X
Stationery store		X	X	X	X	X
Store selling architects', artists', or engineers' supplies and equipment or dental, medical or office supplies or equipment		X	X	X	X	X
Studio, photographic, musical, fine arts		X	X	X	X	X
Swimming pool, public	X	X	X	X	X	X
Taxicab garaging and maintenance					X	X
Taxicab stand or dispatching station	X	X	X	X	X	X
Taxidermist			X	X	X	X
Telegraph transmitting or receiving station			X	X	X	X
Telephone exchange, including garage, shop or service facilities					X	X
Tennis courts: public	X	X	X	X	X	X
Television transmitting station or relay tower			X	X	X	X
Tobacco store		X	X	X	X	X
Towing Service (No Impound Yard)			X	X	X	X

Toy store		x	x	x	x	x
Transportation ticket service	x	x	x	x	x	x
Travel arranging service	x	x	x	x	x	x
Truck sales			x	x	x	x
Variety store		x	x	x	x	x
Vending machines: sales, service, rental or repair					x	x
Venetian blind cleaning				x	x	x
Veterinarian, office only	x	x	x	x	x	x
Veterinarian hospital with inside runs only			x		x	x
Veterinarian hospital with outside runs					x	x
Warehousing, inside storage only (including mini-storage)				x	x	x
Warehousing, inside and/or outside storage					x	x
Water filtration plant, pump station, elevated storage or reservoir	x	x	x	x	x	x
Wholesale establishment, stock limited to floor samples			x	x	x	x
Wholesale establishment with stocks not limited to floor samples				x	x	x
Window cleaning service					x	x
Wrecker Service Impound Yard						x

B. Any other commercial use deemed by the Board of Adjustment to be of a similar nature to those listed above. [Ord. No. 1999-15, 11/9/1999; Ord. No. 2003-03, 1/14/2003; Ord. No. 2004-01, 1/13/2004; Ord. No. 689, 12/18/18]

§ 21-733 LOT, YARD AND HEIGHT REGULATIONS.

No lot or yard shall be established or reduced in dimension or area in any commercial district that does not meet the minimum requirements set forth below. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such districts as set forth in the following table.

ZONING DISTRICTS

LOT REGULATIONS		C-1	C-2	C-3	C-4	C-5	C-6
Min. Lot Area (SF)	A	12,000	24,000 to 48,000	200,000	12,000	15,000	--
Minimum lot width at Building Line (feet)	B	100	100	300	100	150	--
Max. Lot Coverage	C	30%	40%	20%	50%	30%	--
Min. front yard	D	50 Ft	50 Ft	50 Ft	50 Ft	50 Ft	--
Min. rear yard	E	10 Ft	10 Ft	30 Ft	10 Ft	10 Ft	10 Ft
Min. side yard	F	--	--	--	--	--	--
Min. side yard (corner)	G	25 Ft	25 Ft	25 Ft	25 Ft	25 Ft	--

Height	H	35 Ft	35 Ft	35 Ft	35 Ft	35 Ft	35 Ft
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1. The lot area of lots in the commercial districts shall be not less than that as set forth above, provided that the area of any lot in a C-2 District shall not exceed forty-eight thousand (48,000) square feet. There are no lot area requirements in a C-6 District.

2. The width of lots in the commercial districts shall not be less than that set forth above. There are no minimum lot requirements in the C-6 District.

3. The total building coverage of any lot shall not exceed that specified above provided, however, that paving, landscaping, lighting fixtures, and similar improvements shall not be considered as a part of the total building coverage. There are no coverage requirements in the C-6 District.

4. The front yard of any lot in the commercial districts shall be not less than that specified in the table above provided, however, that gasoline pump islands may be permitted within the front yard as herein required. There are no front yard requirements in the C-6 District.

5. The rear yard of any lot in the commercial districts shall be not less than that specified above, provided however that the rear yard of any lot adjoining a residential district on the rear shall have a rear yard setback of two (2) feet for each one (1) foot of building height, plus a screening wall or fence as provided in §2-407 of this ordinance.

6. There are no side yard requirements on lots within the commercial districts except where such lot abuts a residential district, in which case there shall be a side yard setback of two (2) feet, for each one (1) foot of building height, plus a screening wall or fence as provided in §21-507 of this ordinance.

7. No building or structure in any commercial district except for antennas, transmission towers, and public water towers, shall exceed a height of thirty-five (35) feet except upon the approval of the board of adjustment.

8. Vehicle impound yards associated with wrecker services shall be required to erect a screening fence completely surrounding the impound yard in accordance with §21-507 of the zoning ordinance. The gate of the impound yard shall also be required to meet screening requirements as to height and shielded public visibility. (Ord. No. 2000-12, 11/14/2000)

§ 21-734 **REPEALED.** (Ord. No. 2004-07, 4/14/2004; Ord. No. 2006-05, 2/14/2006; Ord. No. 650, 2/28/17)

§ 21-735 CANOPIES AND AWNINGS.

Canopies and awnings in all commercial districts except General Commercial District (C-6) shall be constructed entirely on private property. In the General Commercial District (C-6) canopies and awnings may project over the walkway area provided they are a minimum of eight (8) feet above established sidewalk elevation and are a minimum of two (2) feet from the curb or edge of the normal traveled way or curb parking area.

§ 21-736 EXTERIOR WALLS.

To provide for attractive, compatible and aesthetic structures within the commercial districts, the use of exposed metal, untreated concrete blocks, including painted concrete blocks, and unfinished or untreated concrete panels shall be prohibited in any wall(s) facing a street. (Ord. No. 2003-05, 2/11/2003)

DIVISION V

INDUSTRIAL DISTRICTS

- § 21-741 General description.
- § 21-742 Uses permitted.
- § 21-743 Lot, yard and height regulations.
- § 21-744 Repealed.

§ 21-741 GENERAL DESCRIPTION.

The regulations for the industrial districts are designed to: (1) make available a range of suitable sites for all types of manufacturing and related activities and (2) protect residences by separating them from manufacturing activities and by prohibiting the use of such space for new residential or commercial development.

A. I-1 Light Industrial District

The purpose of the I-1, Light Industrial District, is to provide a location for industries, which do not by their nature, create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit non-industrial uses. Any use constructed, established, altered, or enlarged in the I-1, Light Industrial District, after the effective date of this ordinance shall be so operated as to comply with the following standards:

1. No building shall be used for residential purposes, except that a watchman may reside on the premises.

2. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use.

3. No noise, either continuous or intermittent, from any operation conducted on the premises, other than that emanating from vehicular traffic, shall be detectable at any boundary line of the lot.

4. No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located.

5. No vibrations shall be detectable beyond the lot lines of the lot on which the use is located.

6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.

7. The manufacture of flammable materials, which produce explosive vapors or gases, is prohibited.

8. No outside storage of equipment and/or material, except equipment in daily use, shall be permitted in such a location where it can be viewed from any public street.

9. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

B. I-2, Heavy Industrial District

The purpose of the I-2, Heavy Industrial District, is to provide a location for industries which may by their nature create some nuisance. The intent is to preserve this land especially for such industry in locations with access to arterial streets as designated on the Thoroughfare Plan, as well as locations generally accessible to railroad transportation. Any use constructed, established, altered, or enlarged in the I-2, Heavy Industrial District, after the effective date of this ordinance shall be so operated as to comply with the following standards. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the following standards:

1. No building shall be used for residential purposes, except that a watchman may reside on the premises.

2. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use.

3. No storage, manufacture, or assembly of goods shall be conducted out of a building unless the nearest point of said activity is more than three-hundred (300) feet from the boundary of any zoning district.

4. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.

5. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, wares, and merchandise shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of excessive noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, odors, glare, heat, fire or explosive hazards.

6. No activities involving storage, utilization, or manufacture of materials or products, which decompose by detonation, shall be permitted.

§ 21-742 USES PERMITTED.

The permitted uses in industrial districts are set forth below. Where the letter “x” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district subject to conformance to special conditions applying to the districts as set forth in §21-741 above.

TABLE OF PERMITTED USES IN INDUSTRIAL DISTRICTS

PERMITTED USES	ZONING DISTRICT	
	I-1	I-2
Accessories for vehicles or equipment whose sale is Permitted, but not including the rebuilding or recapping of tires		
Advertising agency	x	x
Aerosol containers: filling on contract basis	x	x
Agricultural services	x	x
Air conditioning and heating equipment		x
Aircraft parts: sales, service, rental or repair, including airframes and engines		x
Aircraft transportation	x	x
Airway beacon or marker		x
Animal bones, offal or waste: assembly, incinerator, processing or utilization	x	x
Animal hospital	x	x
Animal and marine fats and oils: manufacturing or Processing		x
Animal and poultry slaughter and processing facilities		x
Apiary		x
Apparel and other textile products	x	x
Armature rewinding shop	x	x
Armored car service		x

Auditorium or arena: public	x	x
Auctioneer (non-animal)	x	x
Automatic merchandising manufacture	x	x
Automobile, bus, truck dismantling, salvaging or Wrecking		x
Batching or mixing plant, asphaltic or Portland cement, concrete, mortar or plaster		x
Blueprinting, photocopying and similar reproduction services	x	x
Book bindery	x	x
Bottling plant	x	x
Brick, tile or clay manufacturing		x
Broadcasting or recording studio	x	x
Brooms and brushes	x	x
Building materials or lumber: wholesale sales	x	x
Bus garaging and equipment maintenance		x
Cabinet maker	x	x
Canvas or canvas products	x	x
Carpentry, woodworking or furniture working	x	x
Ceramic or clay products	x	x
Cesspool cleaning establishment		x
Chemicals, compounding or packaging		x
City, county, school district, state or federal facilities	x	x
City or county jail	x	x
Civil defense and related activities facilities	x	x
Coal preparation		x
Cold storage plant	x	x
Compounding of cosmetics, toiletries, drugs and pharmaceutical products	x	x
Construction equipment repair, or storage		x
Contract sorting, grading and packing of fruits and vegetables for grower		x
Contractor (general or heavy construction) facilities other than office		x
Contractor (special trade) facilities other than office		x
Cotton ginning and compressing		x
Creosoting or similar process		x
Dairy farm: products, egg farm		x
Delivery service	x	x
Disinfecting, deodorizing or exterminator service		x
Dry cleaning and dyeing plant	x	x
Electric generating plant		x
Electric regulating substation		x
Electric utility maintenance facility	x	x
Electrical equipment manufacture	x	x
Electronic equipment assembly and manufacture	x	x
Exploration for minerals		x
Extraction of sand, gravel, clay, quarrying of rock and storage		x
Facilities of ad hoc governmental agencies	x	x
Fairgrounds	x	x

Farm equipment: service, rental and repair	x	x
Farm products, wholesaling or public warehousing		x
Fertilizer		x
Fire extinguisher service	x	x
Fire protection and related activities facility	x	x
Food products, including bakery products, candy, fruit and vegetable processing and canning, packing and processing of meats and poultry, but not including slaughtering of animals or poultry	x	x
Food products, including slaughtering of animals and poultry		x
Forestry services		x
Foundries		x
Freight depot, railroad or truck	x	x
Freight forwarding service	x	x
Furnace cleaning		x
Furniture manufacturing	x	x
Gas pressure control station		x
Gas utility maintenance facility	x	x
Garbage or trash: assembly incineration or processing		x
Gases or liquids, flammable, storage		x
Glass or glass products		x
Grain milling or processing		x
Hair, felt, feather or leather products		x
Highway garage or similar public maintenance facility		x
Ice plants, dry or natural	x	x
Incinerators		x
Instrument and meter manufacturing	x	x
Jewelry manufacturing	x	x
Laboratory: research, development or testing	x	x
Laundry (except self-service) and laundry services	x	x
Leather goods fabrication	x	x
Linen supply or industrial laundry	x	x
Livestock assembly, feeding, sales, shipment		x
Livestock auction sales barn and pens		x
Lumberyards	x	x
Mattresses: rebuilding or renovating	x	x
Medical or dental laboratory	x	x
Metals or minerals (except petroleum products or scrap) sales	x	x
Mining of coal, metal ores and non-metallic minerals other than fuels		x
Mini-storage with outside storage	x	x
Mobile homes or travel trailers - manufacturing and service		x
Monument works		x
Motion picture distribution and services	x	x
Nonmetallic mineral preparation		x
Oil field equipment and supplies: service, rental or repair		x
Optical goods manufacturing	x	x
Ore dressing and beneficiating		x

Outdoor advertising plant	x	x
Packing and crating service	x	x
Paint, enamel, lacquer, turpentine, varnish manufacturing		x
Paper manufacturing or processing		x
Paper products including envelopes, stationery, wallpaper manufacturing	x	x
Petroleum pipeline or pressure control station		x
Petroleum products, storage		x
Photofinishing service		x
Pipeline pressure control station	x	x
Plastic products including luggage, tableware or similar products		x
Police protection and related activities facility	x	x
Postal services facilities	x	x
Printing and publishing including engraving or photoengraving	x	x
Production of crude petroleum, natural gas and natural gas liquids		x
Public stable		x
Quarrying of stone		x
Radio transmitting station or tower	x	x
Railroad equipment storage or maintenance		x
Railroad freight terminal		x
Repair, renting and servicing of commodities		x
Rubber products, natural or synthetic manufacturing		x
Rug cleaning or repairing	x	x
School, commercial or trade	x	x
Scrap and waste materials handling, including building and vehicle wrecking establishments and junkyards		x
Scrap steel cutting on contract basis		x
Secondhand automotive parts, accessories, battery and tire dealer		x
Sewage pressure control station	x	x
Sewage treatment plant or sludge drying bed		x
Signs (Off premises)	p	p
Slaughter house		x
Sporting or athletic equipment manufacturing	x	x
Steel products, fabrication and assembly		x
Tar or tar products		x
Taxicab garaging and maintenance		x
Telegraph transmitting or receiving station	x	x
Telephone exchange station, relay tower	x	x
Television transmitting tower or receiving station	x	x
Tire recapping		x
Truck, bus, train terminals	x	x
Truck service, rental, repair	x	x
Vending machines: service, rental or repair, manufacturing	x	x
Venetian blind, window shades, awnings	x	x
Warehousing, other than warehousing accessory	x	x

to another permitted use		
Water treatment plant, storage facility or pressure control station	x	x
Wholesaling	x	x
Wholesaling or public warehousing of farm products , food , grain, hides, skins, raw furs, livestock, petroleum products (bulk station or terminal), scrap or waste materials		x
Window cleaning service	x	x
Wood distillation		x
Wood or lumber processing		x
Wrecker Service Impound Yard		x

§ 21-743 LOT, YARD AND HEIGHT REGULATIONS.

No lot or yard shall be established or reduced in dimension or area in any industrial district that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth below.

LOT REGULATIONS		I-1	I-2
Min. Lot coverage (percent)	A	30%	50%
Minimum front yard	B	50 Ft	50 Ft
Minimum rear yard	C	20 Ft	20 Ft
Minimum side yard	D	--	--
Height	E	50 Ft	50 Ft

1. The total building coverage of any lot shall not exceed that specified above, provided, however, that paving, landscaping, outside storage (where permitted), lighting fixtures and similar improvements shall not be considered as part of the total building coverage.

2. The front yard of any lot in the industrial district shall be not less than that specified in the table above.

3. The rear yard of any lot in the industrial districts shall be not less than that specified above, provided, however, that the rear yard of any lot adjoining a residential district on the rear, shall have a rear yard setback of two (2) feet for each one (1) foot of building height, plus a screening wall or fence as provided in §21-507 of this ordinance.

4. There are no side yard requirements on lots within the Industrial Districts except where such lot abuts a residential district in which case there shall be a side yard setback of two (2) feet for each one (1) foot of height, plus a screening wall or fence as provided in §21-507 of this ordinance.

5. No building or structure in any industrial district shall exceed fifty (50) feet in height above the mean elevation of the lot except for transmission towers and antennas. (Ord. No. 2000-12, 11/14/2000).

§ 21-744 REPEALED. (Ord. No. 2004-07, 4/14/2004; Ord. No. 650, 2/28/17)

DIVISION VI

PLANNED UNIT DEVELOPMENT SUPPLEMENTAL DISTRICT

- § 21-751 General description.
- § 21-752 General provisions.
- § 21-753 Permitted uses.
- § 21-754 Application.
- § 21-755 Approval process.
- § 21-756 Planned unit development review procedures.
- § 21-757 Amendments to the master plan.

§ 21-751 GENERAL DESCRIPTION.

Planned Unit Development, herein referred to as PUD, is a zoning classification that provides an alternate approach to conventional land use controls. The PUD is designed to provide for developments incorporating a single type or a variety of residential, commercial and related uses, which are components of a master development plan (hereinafter referred to as the PUD master plan) for the area to be developed. Such development may consist of both individual and common lots. Private or public open space must be an essential major element of the development, which is related to, and affects, the long-term value of the total development. The PUD is subject to special review procedures and, once approved by the city council, it becomes a distinct zoning district for the property it represents. (Ord. No. 2003-02, 1/14/2003; Ord. No. 660, 6/27/17)

§ 21-752 GENERAL PROVISIONS.

A. Applicants for a Planned Unit Development must be the landowners of record, or their authorized agent. The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in this section.

B. The site for a Planned Unit Development (PUD) shall be no smaller than necessary to accomplish the intent and regulations of this article, without injury to the health, safety, and general welfare of the citizens of the city of Blanchard.

C. Residential development may include multiple family units.

D. There are no specific lot, area or height regulations for a PUD district. The applicant shall submit specific information as to the setbacks, building height and coverage factors that are proposed to be incorporated into the PUD at the time of application.

E. All uses established within a PUD shall comply with the off-street parking requirements as provided in §21-506 of the zoning code. If the applicant can prove that vehicular traffic for the combined uses will not require the minimum parking, as specified in section 21-506, the Planning Commission and the developer may negotiate minimum parking requirements.

F. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures and similar common elements in a PUD. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreational areas and communally owned facilities shall be approved by the city attorney as to legal form and affect, and by the city council as to the suitability of the proposed use of the open areas. (Ord. No. 2003-02, 1/14/2003; Ord. No. 660, 6/27/17)

§ 21-753 PERMITTED USES.

There are no specifically prescribed uses that are permitted within the boundaries of a PUD. The developer shall be responsible for preparation of a list of permitted uses within the specific PUD requested. The developer, when creating the list, shall take into account the nature and purpose of the PUD area and protect the nature and compatibility of surrounding developments. Following approval of this list of uses by the city council, the list shall serve as the control list in issuance of building permits and certificates of occupancy. The developer shall adhere to the following guidelines:

1. Facilities and areas designated for recreational activities shall be encouraged.

2. Where a mix of uses is proposed, the PUD master plan shall ensure the compatibility of said uses.

3. Signage shall be regulated, at minimum, by Article Three (3) of Chapter Four (4) of the Code of Ordinances. Additional regulations may be negotiated by the planning commission and the developer, as appropriate. (Ord. No. 2003-02, 1/14/2003; Ord. No. 660, 6/27/17)

§ 21-754 APPLICATION.

When an applicant desires to request approval for a PUD district, they shall first submit to the planning commission an application requesting the creation of a PUD. The application shall include:

1. The applicant's names, mailing address and telephone numbers.
2. The street address or general location of the site.
3. The legal description of the entire area requesting to be rezoned as a PUD.
4. The existing zoning of the property.
5. The present use of the property.
6. The type and number of existing structures on the property.
7. The proposed use of the property.
8. Generally, the type of structures proposed.
9. A verified list of property owners of record with addresses located within three-hundred (300) feet of the proposed rezoning site.
10. The application shall be accompanied by the payment of a fee. The fee will be a minimum of one-hundred forty-five (\$145.00) dollars plus an additional two (\$2.00) dollars for each acre within the PUD, but not to exceed a total of one-thousand (\$1,000.00) dollars. (Ord. No. 2003-02, 1/14/2003; Ord. No. 660, 6/27/17)

§ 21-755 APPROVAL PROCESS; PLANNED UNIT DEVELOPMENT SUBMISSION PROCEDURES; EXPIRATION.

A. The developer of a PUD shall follow a four (4) step application and review procedure:

1. Pre-application review.
2. Application for rezoning, submission of PUD master plan, including the design statement and master development plan map.
3. Submission of preliminary plat.
4. Submission of final plat.

B. Each step shall be completed and approved before the following step is reviewed.

C. Public hearings shall be held prior to the approval of steps 2, 3, and 4.

1. Public hearings shall be held on the application for rezoning and the PUD master plan in accordance with regular procedures for zoning applications as established in the Blanchard Zoning Code.

2. Public hearings on plats shall be held in accordance with regular procedures established in the Blanchard subdivision regulations.

D. EXPIRATION AND REVERSION. If, no Final Plat has been approved by the Council within two (2) years from the date of approval of a PUD Master Development Plan, then the PUD Master Development Plan shall expire unless prior to the expiration of the PUD Master Development Plan, the Planning Commission grants an extension to the PUD Master Development Plan pursuant to the developer's written request for such extension. In the event an extension is granted by the Planning Commission, the Planning Commission shall state the new expiration date, which date shall not be more than two (2) years from the date of written request for extension. In the event a PUD Master Development Plan expires and no written request for extension had been filed prior to the date of the expiration, the property will revert to the current underlying Zoning District in place prior to the PUD application. A developer wishing to develop the property at this point must submit a new PUD Master Development Plan according to the procedures set forth in Section 21-756 of this Code of Ordinances. (Ord. No. 2003-02, 1/14/2003; Ord. No. 700, 5/28/19)

§ 21-756 PLANNED UNIT DEVELOPMENT REVIEW PROCEDURES.

A. Step 1. Pre-application Review. After submission of the PUD application, the applicant will appear before the planning commission to discuss the general nature of the development and the rationale for requesting the designation of a PUD. The planning commission should discuss, with the applicant, the procedures for adopting a PUD. The intent of the pre-application review is to expedite the mandatory design review process and to facilitate the approval of a PUD master plan.

B. Step 2. Application for Rezoning and submission of PUD Master Plan.

1. The PUD application for rezoning shall be filed in accordance with regular procedures and on application forms of the city. The PUD master plan, which is submitted with the application for rezoning, shall consist of a design statement and a master development plan map. Because the PUD provides the

opportunity for higher densities, greater design flexibility, mixed land uses and improved marketability, the applicant should be prepared to provide amenities and services that might not be required or possible in a conventional development. Review and approval of a PUD is, therefore, a process of negotiation between the city and the applicant to achieve the intents and purposes of city regulations and the comprehensive plan.

- a. The PUD design statement shall be a written report submitted as part of the PUD master plan containing a minimum of the following elements:
 - i. Title of the PUD.
 - ii. List of the owners and/or developers.
 - iii. Statement on the general location and relationship to adjoining land uses, both existing and proposed.
 - iv. Description of the PUD concept, including an acreage or square foot breakdown of building use types, proposed restrictions and typical site layouts.
 - v. The existing zoning.
 - vi. A list of all the permitted uses that the developer intends for the PUD.
 - vii. Specific details of setbacks, structural coverages and building heights proposed for the various types of lots within the PUD.
 - viii. Details as to size, location, and surface materials for all areas intended for vehicular parking within the PUD.
 - ix. A statement on the existing and proposed streets, including right-of-way standards and street design concepts.
 - x. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover and drainage information.
 - xi. Drainage information, including number of acres in the drainage area and delineation of applicable flood levels.
 - xii. A statement of utility lines and services to be installed, including which lines will be dedicated to the city and which will remain private.

- xiii. The proposed densities and the use types and sizes of structures.
- xiv. A statement of the improvements to be made to the open spaces and recreation areas.
- xv. A description of the proposed sequence of development.

C. The master development plan map shall be a graphic representation of the development plan for the area, prepared at a scale appropriate for the size of the PUD and acceptable to the planning commission. The purpose of the map is to conceptually portray the development commitments described in the PUD design statement. The complexity of the map information will depend upon the number and extent of varied land uses in the PUD. The map shall show the following:

- 1. Location of proposed land uses and residential densities
- 2. A topographic map with minimum ten (10) foot contour intervals
- 3. Location of collector streets within the PUD and adjacent arterial streets
- 4. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed
- 5. Location and approximate size of proposed open space and recreation areas.
- 6. Areas where access to streets will be limited and location of driveways where appropriate.
- 7. Any other pertinent information necessary for review, approval and administration of the PUD

D. Step 3. Preliminary Plat. Upon approval of the PUD master plan and the ordinance of rezoning, the developer shall prepare a preliminary plat for the area of the entire PUD according to the procedures outlined in the subdivision regulations of the city of Blanchard.

E. Step 4. Final Plat. The developer shall prepare a final plat for review, approval and filing of record according to procedures outlined in the subdivision regulations of the city of Blanchard. In addition to these procedures the final plat shall include:

1. Provisions for the ownership and maintenance of 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 city council.

2. A homeowners or property owners association shall be created if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities, including private streets, service and parking areas and recreation areas.

3. Covenants shall be submitted to reasonably insure the continued compliance with the approved PUD master plan. In order that the public interest may be protected, the city shall be made a beneficiary of the covenants pertaining to such matters as locations of users, height of structures, setbacks, screening, maintenance of common facilities and access. Such covenants shall provide that city may enforce compliance therewith.

F. Upon approval of the final plat, the city council will adopt an ordinance officially authorizing a PUD for the area stipulated in the application. The ordinance of rezoning shall adopt the PUD master plan by reference and it shall be attached to said ordinance and become a part of the official records of the city.

G. The PUD master plan shall control the use and development of the property and all building permits and development requests shall be in accord with said plan until it is otherwise amended by the city council. The developer shall furnish a reproducible copy of the approved master development plan map for signature by the chairman of the planning commission, the mayor, and acknowledgement by the city clerk. The PUD master plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the city clerk. (Ord. No. 2003-02, 1/14/2003; Ord. No. 700, 5/28/19)

§ 21-757 AMENDMENTS TO THE MASTER PLAN.

A. The planning commission shall be permitted to approve minor changes and adjustments to the PUD master plan provided the following conditions are satisfied:

1. The project boundaries are not altered.

2. Uses other than those specifically approved in the PUD master plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered.

3. The allocation of land to particular uses or the relationship of uses within the project is not substantially altered.

4. The density of housing is not increased more than ten (10%) percent or decreased by more than thirty (30%) percent.

5. The land area allocated to nonresidential uses is not increased or decreased by more than ten (10%) percent.

6. Open space areas are not decreased.

7. Height restrictions, yard requirements, lot coverage restrictions and other area, height and bulk requirements prescribed in the PUD master plan are not substantially altered.

8. The circulation system of all streets, including off-street parking areas, service areas, loading areas and points of access to public rights-of-way, is not substantially altered in design, configuration or location.

9. The design and location of access points to the project are not substantially altered either in design or capacity.

10. The planning commission shall determine if the proposed amendments to an approved master development plan satisfy the above criteria. If the planning commission finds that these criteria are not satisfied, they may requires than an amended PUD master plan shall be submitted for full review and approval according to the procedures set forth in these regulations. (Ord. No. 2003-02, 1/14/2003)

DIVISION VII

FLOODWAY SUPPLEMENTAL DISTRICT

§ 21-761 Purposes of the floodway supplemental district.

§ 21-762 District boundaries.

§ 21-763 General floodway regulations.

§ 21-764 Permitted uses.

§ 21-765 Nonconformities.

§ 21-766 Responsibility for flooding.

§ 21-761 PURPOSES OF THE FLOODWAY SUPPLEMENTAL DISTRICT.

The Floodway Supplemental District is designed to:

1. Protect life;

2. Reduce and prevent flood damage;
3. Reduce public expenditures in areas subject to flooding;
4. Permit reasonable use of land in areas subject to flooding;
5. Promote the general welfare of the community; and
6. Prevent or reduce flood damage by keeping floodways free of manmade obstructions to permit the free flow and discharge of floodwaters.

§ 21-762 DISTRICT BOUNDARIES.

The initial boundaries of the Floodway Supplemental District shall be established only after notice and public hearing before the planning and zoning commission and by approval of the city council. Amendments to the floodway districts shall be established in the same manner as amendments to any other zoning district as set forth in Article 9 including provisions for fees and public notice. Lands within the Floodway Supplemental District shall be identified on the Official Zoning Map by the suffix FD following the general zoning district designation. The boundaries of the Floodway Supplemental District may be amended so as to maintain uniformity with the purposes of this ordinance upon a finding that:

1. A flood control project of the federal, state, county or city government, or a private person, has substantially altered the boundaries of the floodway;
2. Flood data compiled subsequent to the enactment of the district indicates that the boundaries of the district should be adjusted; or,
3. Proposed improvements, such as berms, dikes, channel improvements, or flood retention reservoirs, which will substantially alter the boundaries of the floodway and the actual construction of said improvements has been assured by the submission and acceptance of bond.

§ 21-763 GENERAL FLOODWAY REGULATIONS.

The following general regulations apply to the use of land located within an FD Floodway Supplemental District:

1. Structures shall be designed and constructed to withstand flood conditions.

2. Materials, which in time of flood might float away and lodge against bridge abutments or otherwise serve to restrict the flood discharge capacity of the water channel, are prohibited.

§ 21-764 PERMITTED USES.

A. Within an FD-Floodway Supplemental District the following uses are permitted as a right:

1. Passive agricultural uses such as: cultivation, forestry, grazing, planting.

2. Open land uses such as: arboretum, flood management project, reservoir, wildlife preserve.

3. Public uses such as: fire alarm, historical marker, street sign, thoroughfare, utility line.

4. Open air recreational uses such as: golf courses, driving ranges, parks, picnic grounds, etc.

B. Certain uses (listed below) may be permitted by the board of adjustment, after adherence to the procedural requirements for a special exception, and upon the board's finding that:

1. The use will not substantially affect or be affected by the flow of waters during times of flood;

2. The use will not impair the appropriate use, present or future, of neighboring property and that the use will be in keeping with the spirit and intent of this ordinance.

C. The uses which may be permitted by the board of adjustment are:

1. Parking;

2. Temporary outside storage of materials;

3. Temporary amusement enterprises;

4. Other open air uses not requiring the erection of permanent principal structures, but which may require the erection of accessory structures.

D. All other uses are prohibited within an FD Floodway Supplemental District.

E. Uses approved by the board which are not permitted within the applicable general use district, shall abate within one (1) year from the date of amendment to the official zoning map removing the Floodway Supplemental District designation from the land upon which the use is located.

§ 21-765 NONCONFORMITIES.

A. A structure lawfully existing in a Floodway Supplemental District at the effective date of said Floodway Supplemental Zoning and which would be prohibited in said Floodway Supplemental District shall be deemed nonconforming and may continue subject to the following provisions:

1. No such nonconforming structure may be enlarged.
2. Should such structure be damaged or partially destroyed by any means to the extent of seventy-five (75%) percent of its current replacement cost at time of damage, said structure shall not be restored.
3. Ordinary repairs may be made on any nonconforming structure provided said structure is not enlarged. If a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance and a final order of vacation or demolition is entered by a duly authorized official by reason of physical condition it shall not thereafter be used, restored, repaired or rebuilt.

B. No construction of a permanent principal structure shall be allowed on any lot located within a Floodway Supplemental District even though said lot was filed of record or was within a subdivision approved by the city council prior to the effective date of the Floodway Supplemental Zoning in said district.

§ 21-766 RESPONSIBILITY FOR FLOODING.

The fact that land or property is not included within a Floodway or Flood Hazard Area as authorized by §21-762 of this ordinance shall not constitute assurance that such land or property is not subject to flooding and shall not be so interpreted.

ARTICLE 8

BOARD OF ADJUSTMENT

DIVISION I

CREATION AND PROCEDURES

- § 21-801 Board of adjustment established.
§ 21-802 Organization and procedures.

- § 21-803 Appeals to board of adjustment.
- § 21-804 Public hearing required.
- § 21-805 Fees.
- § 21-806 Powers.
- § 21-807 Four (4) votes required.

§ 21-801 BOARD OF ADJUSTMENT ESTABLISHED.

There is hereby created a zoning board of adjustment consisting of five (5) members, all of whom shall be residents of the city of Blanchard, nominated by the mayor and appointed by the city council. Each appointed member shall hold office for a term of three (3) years ending at 7:30 p.m. on the first Tuesday in July, or until his successor takes office. Upon the initial appointment of members to the board of adjustment, the mayor shall designate staggered terms according to Oklahoma state law. The appointed members of said board shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation, and shall serve without compensation. Members may be removed by the mayor with approval of the city council, for the good of the service. Vacancies occurring other than through the expiration of term shall be filled only for the unexpired term.

§ 21-802 ORGANIZATION AND PROCEDURES.

The zoning board of adjustment shall elect one (1) of its members as chairperson. The board shall adopt rules in accordance with the provisions of this ordinance. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or, in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. All meetings of the board shall be open to the public.

§ 21-803 APPEALS TO BOARD OF ADJUSTMENT.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer of the municipality affected by any administrative decision based on this zoning ordinance. Such appeal shall be taken within thirty (30) days of such decision by filing with the city clerk and the board of adjustment a notice of appeal specifying the grounds thereof. The city clerk shall forthwith transmit to the board all the papers constituting the record of the action from which the appeal is taken.

§ 21-804 PUBLIC HEARING REQUIRED.

A. The zoning board of adjustment shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear and be heard in person or by agent or by attorney at said hearing.

B. Notice of public hearing before the board of adjustment shall be given by publication in a newspaper of general circulation in the city of Blanchard and by mailing written notice by the clerk of the board to all owners of property within a three-hundred (300) foot radius of the exterior boundary of the subject property. Said notice shall contain:

1. Legal description of the property and the street address or approximate location in the city or town;
2. Present zoning classification of the property and the nature of the variance or exception requested;
3. Date, time and place of hearing.

C. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

§ 21-805 FEES.

The zoning board of adjustment shall charge a fee of one-hundred (\$100.00) dollars for the hearing of appeals, to defray the cost of publishing the notice of public hearing and any other costs associated with the hearing; the appellant shall pay such fee upon filing the appeal.

§ 21-806 POWERS.

A. The zoning board of adjustment shall have the following powers:

1. Administrative review. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning administrator, building inspector, or other administrative officer in the enforcement of this ordinance.

2. To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in any individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and

substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- b. The application of this ordinance to this particular piece of property would create an unnecessary hardship, not self-imposed by the owner or developer.
- c. Such conditions are peculiar only to the particular piece of property involved.
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this zoning ordinance or the comprehensive plan; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

§ 21-807 THREE (3) VOTES REQUIRED.

In exercising the above powers, the board of adjustment shall have the concurring vote of at least three (3) of its members in order that it may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end, shall have all the powers of the administrative officer for directing the issuance of a permit and may make such order, requirement, decision, or determination as ought to be made.

DIVISION II

APPEAL TO DISTRICT COURT

- § 21-811 Notice of appeal.
§ 21-812 Appeal stays proceedings.

§ 21-811 NOTICE OF APPEAL.

An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the city of Blanchard to the district court by filing a notice of appeal with the city clerk and with the board of adjustment within sixty (60) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the said board shall transmit forthwith to the court clerk of McClain County the original or certified copy of all the papers

constituting the record in the case, together with the order, decision or ruling of the board.

§ 21-812 APPEAL STAYS PROCEEDINGS.

An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairperson of the board of adjustment or the administrative office from which the appeal is taken certifies to the court clerk, after the notice of appeal shall have been filed, that, by reason of the facts stated in the certificate, a stay, in his opinion, would 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 administrative officer in charge of the enforcement of the terms and provisions of the ordinance; and upon notice to the chairperson 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.

ARTICLE 9

ADMINISTRATION

DIVISION I

RESPONSIBILITY FOR ENFORCEMENT

§ 21-901 Duty of zoning administrator.

§ 21-901 DUTY OF ZONING ADMINISTRATOR.

It shall be the duty of the building inspector to enforce this ordinance. If the zoning administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such other action as is authorized by law to ensure compliance with or to prevent violation of its provisions.

DIVISION II

ZONING CLEARANCE PERMIT REQUIRED

§ 21-911 Purpose.
§ 21-912 New construction.
§ 21-913 Change in use of land or building.
§ 21-914 Application.
§ 21-915 Accompanying material.

§ 21-916 Fees.

§ 21-911 PURPOSE.

The zoning clearance permit is a permit issued by the zoning administrator which states that a particular development meets all of the requirements of the zoning ordinance. It is not a building permit and does not authorize construction; it certifies that the land and/or structure are in conformance with the terms of this zoning ordinance.

§ 21-912 NEW CONSTRUCTION.

No building or other structure shall be erected, constructed, enlarged, altered or repaired in such a manner as to prolong the life of the building, nor shall the use of any land or building or other structure be changed without a zoning clearance permit being issued authorizing such construction, alteration, repair, or use changes as being in compliance with the provisions of this ordinance. No building permit shall be issued for any construction not conforming to a valid zoning clearance permit.

§ 21-913 CHANGE IN USE OF LAND OR BUILDING.

No change shall be made in the use of any land or building or structure after the passage of this ordinance until a zoning clearance permit has been obtained, certifying that all the provisions of this ordinance have been complied with.

§ 21-914 APPLICATION.

An application for a zoning clearance permit shall be made to the zoning administrator by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon. Within three (3) days, the zoning administrator shall grant or deny said zoning clearance permit in accordance with the terms of this ordinance.

§ 21-915 ACCOMPANYING MATERIAL.

All applications for zoning clearance permits shall be accompanied by a plat plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as may be necessary to satisfy the requirements of these regulations.

§ 21-916 FEES.

Fees for the zoning clearance permit shall be included with the building permit fee.

DIVISION III

CONDITIONAL USE PERMIT

§ 21-921 Procedures for authorizing conditional uses.

§ 21-922 Fees.

§ 21-921 PROCEDURE FOR AUTHORIZING CONDITIONAL USES.

Where the letter “p” appears for certain uses in the tables of permitted uses; their use is permitted subject to acquiring a conditional use permit. The uses designated under the various districts herein as “conditional uses” 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 conditional uses with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

1. An application shall be filed with the city planning commission for review. Such application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three-hundred feet (300') and any other material pertinent to the request, which the planning commission may require.

2. The city planning commission shall hold one (1) or more public hearings thereon.

3. The planning commission shall within sixty (60) days of the date of application transmit to the city council its recommendation. The report should address the effect of such proposed building or use upon the character of the neighborhood, traffic condition, public utilities and other matters pertaining to the general welfare. Thereupon, the city council may authorize or deny the issuance of a building permit for the use of land or buildings as requested.

§ 21-922 FEES.

In accordance with §21-921 (A) above, a fee of one-hundred (\$100.00) dollars shall be paid at the time of submission of the application.

DIVISION IV

PLATTING REQUIREMENT

§ 21-931 Procedure.

§ 21-931 PROCEDURE.

A. For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as follows:

B. For any land which has been rezoned upon application of a private party, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the city council upon the recommendation of the planning commission, and filed of record in the office of the county clerk where the property is situated. Provided that the city council, upon the recommendation of the planning commission, may remove the platting requirement upon a determination that the above stated purpose has been achieved by previous platting or could not be achieved by a plat or replat.

DIVISION V

VIOLATIONS AND PENALTIES

§ 21-941 Fines.

§ 21-941 FINES

A violation of this ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be fined not more than two-hundred (\$200.00) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE 10

AMENDMENTS

DIVISION I

§ 21-1001 Planning commission recommendation required.

§ 21-1002 Application for amendment.

§ 21-1003 Notice and public hearing of proposed regulations.

§ 21-1001 PLANNING COMMISSION RECOMMENDATION REQUIRED.

The rules, regulations, and provisions set forth in the Blanchard zoning ordinance may, from time to time, be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the proposed change has been referred to the Blanchard planning commission and the Blanchard planning commission has filed with the city council a report and recommendation on the proposed change. If the Blanchard planning commission does not submit its report and recommendation to the city council within forty-five (45) days after the referral of the proposed change, the city council may proceed to consider the proposal in the absence of a report and recommendation from the Blanchard planning commission. No public hearing shall be required prior to changes, amendments, or modifications to the Blanchard zoning ordinance that do not alter district regulations, district restrictions, permitted uses, uses on review or district boundaries. (Ord. No. 2003-01, 1/14/2003)

§ 21-1002 APPLICATION FOR AMENDMENT.

An owner or his duly authorized agent or representative may make application for the amendment of the zoning restrictions applicable to his property by filing with the planning commission a written application in such form and content as the planning commission may by resolution establish. All applications, except those seeking an amendment from S-1 zoning, shall be accompanied by the payment of a fee of one-hundred (\$100.00) dollars to cover the costs of notice and posting and administrative review. There shall be no application fee assessed for the rezoning of property from S-1 district. (Ord. No. 2003-01, 1/14/2003; Ord. No. 2006-21, 6/1/2006)

§ 21-1003 NOTICE AND PUBLIC HEARING OF PROPOSED REGULATIONS.

Amendments to the Blanchard zoning ordinance that amend or repeal existing zoning districts or existing district regulations or district restrictions shall not be effective unless interested persons and citizens shall have an opportunity to be heard at a public hearing before the Blanchard planning commission. At least fifteen (15) day notice of the date, time, and place of the hearing shall be published in a newspaper of general circulation in the municipality. (Ord. No. 2003-01, 1/14/2003)

DIVISION II

**REZONING APPLICATIONS AND CHANGES IN ZONING DISTRICT
BOUNDARIES**

- § 21-1011 Application for amendment.
- § 21-1012 Notice and public hearing.
- § 21-1013 Planning commission action.
- § 21-1014 City action.
- § 21-1015 Protest to amendment.

§ 21-1011 APPLICATION FOR AMENDMENT.

An owner or his duly authorized agent or representative may make application for the rezoning or for a change in the zoning district boundaries applicable to his property by filing with the planning commission a written application in such form and content as the planning commission may by resolution establish. An application for amendment shall be accompanied by the payment of a fee of one-hundred (\$100) dollars to cover the costs of notice and posting and administrative review.

§ 21-1012 NOTICE AND PUBLIC HEARING.

A. Upon receipt of an application for rezoning or for a change in a zoning district boundary, pursuant to §21-1011 of these regulations, the planning commission shall set a date for public hearing not less than twenty (20) days nor more than sixty (60) days from the date of filing.

B. Notice of the public hearing shall include the date, time and place of the public hearing, the legal description of the property, the street address or approximate location of the property, the street address or approximate location of the property, the present zoning classification of the property, the zoning classification sought by the applicant, proximate location and a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area and shall be given by:

1. Mailing a complete copy of said notice to all property owners within a three-hundred (300) foot radius of the exterior boundary of the territory described in the application at least twenty (20) days prior to the hearing;

2. Posting a complete copy of said notice on the territory described in the application at least twenty (20) days prior to the hearing;

3. Publishing a complete copy of said notice one (1) time at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the municipality.

C. In addition to the notice required in subsection (B) of this section, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms

are defined pursuant to §3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the change in district regulation shall mail a complete copy of said notice to all real property owners within one-quarter ($\frac{1}{4}$) of a mile where the area to be affected is located as required by §§43-104 and 43-106 of Title 11 of the Oklahoma Statutes and shall be responsible for all costs incurred in mailing said notice. (Ord. No. 2003-01, 1/14/2003; Ord. No. 620, 10/27/15)

§ 21-1013 PLANNING COMMISSION ACTION.

A. After notice and public hearing, pursuant to §21-1012, the planning commission shall vote to:

1. Recommend to the city council that the application be approved as submitted, or as amended, or be approved subject to modification, or
2. Recommend to the city council that the application be denied.

B. An application recommended for approval, or approval subject to modification, shall be transmitted to the city with the report and recommendation of the planning commission within fifteen (15) days from the date of planning commission action.

C. An application recommended for denial shall not be considered further; however, should the applicant, within fifteen (15) days from the date of the planning commission action, appeal in writing to the city council for a hearing, the matter shall be placed on the next regular city council meeting for consideration.

D. Upon notice of an appeal to the city council, the planning commission shall forthwith transmit the application and its report and recommendation to the city council. The city clerk shall notify all interested parties of record before the planning commission, as to the proceedings and of the time and place where the city council will consider the appeal herein provided for. (Ord. No. 2003-01, 1/14/2003)

§ 21-1014 CITY ACTION.

The city council shall place on the next regular agenda each zoning application transmitted by the planning commission. The consideration of this matter by the city council shall not be construed to be an advertised public hearing (in addition to the public hearing conducted by the planning commission). The city council shall approve the application as submitted and recommended by the planning commission, or approve the application subject to modification, or deny the application, or return the application to the city planning commission for further study. (Ord. No. 2003-01, 1/14/2003)

§ 21-1015 PROTEST TO AMENDMENT.

If a written protest against a zoning application is presented, duly signed and acknowledged more than three (3) days prior to said public hearing, by the owners of twenty (20%) percent or more of the area of the lots included in such proposed change, or by the owners of fifty (50%) percent or more of the area of the lots within a three-hundred (300) foot radius of the exterior boundary of the territory included in a proposed change, then the proposed change or amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all the members of the city council. (Ord. No. 2003-01, 1/14/2003)

SUBDIVISION REGULATIONS

FOR

BLANCHARD, OKLAHOMA

*Prepared by the Blanchard, Oklahoma
Municipal and Regional Planning commission
With Technical Assistance from:*

**The Association of South Central Oklahoma Governments
802 Main, P. O. Box 1647
Duncan, Oklahoma 73534**

Adopted by Ordinance No. 1987-01, dated April 7, 1987, Ordinance No. 1998-08, dated November 15, 1998, and amended by Ordinance No. 2001-05, 11/13/01; Ordinance No. 2004-17, 9/14/04 and Ordinance No. 2005-19, 10/25/05 and updated through December 31, 2017

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SUBDIVISION REGULATIONS

ARTICLE I

GENERAL AND ADMINISTRATIVE PROVISIONS

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§ 22-101 CITATION AND AUTHORITY.

1. These regulations shall hereafter be known, cited and referred to as the "Subdivision Regulations of the City of Blanchard, Oklahoma."

2. The following regulations governing the subdivision and development of land within the jurisdictional area of the Blanchard Municipal Planning Commission have been prepared, adopted and enacted (by Ordinance No. 1987-01, dated April 7, 1987 and Ordinance No. 1998-07, dated November 15, 1998), in accordance with, and pursuant to the authority granted by Title 11, Oklahoma Statutes, 1986 Supplement, §§45-104, 46-103 and 46-104 (and subsequent amendments thereto).

§ 22-102 PURPOSE.

These regulations are designed, intended, adopted and should be administered for, the following purposes:

1. To protect and provide for the health, safety and general welfare of present and future residents of the city of Blanchard, Oklahoma;

2. To guide the future growth and development of the community, in accordance with the implementation of the comprehensive plan for the city of Blanchard, Oklahoma;
3. To ensure the provision of adequate light, air, privacy and fire and flood protection for residents of the city of Blanchard, Oklahoma;
4. To prevent overcrowding of the land and undue congestion of population;
5. To prevent the development of slums and blight;
6. To encourage orderly and beneficial development of all parts of the community;
7. To protect and conserve the value of land throughout the community, as well as the value of buildings and improvements upon the land;
8. To minimize conflicts among the uses of land and buildings;
9. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, schools and other public requirements and facilities;
10. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the community through proper location, width, design and construction of streets and other traffic ways;
11. To establish reasonable standards of design and procedures for subdivisions, re-subdivisions, lot line adjustments, and lot-splits, in order to further the orderly layout and use of land;
12. To establish adequate, accurate and accessible public records and monumenting of subdivided land;
13. To equitably distribute the costs involved in land subdivision;
14. To prevent the pollution of air, streams, lakes and other bodies of water;
15. To safeguard the area's water table;
16. To encourage the wise use and management of natural resources in order to preserve the integrity, ecological stability and the beauty of the community, as well as the value of the land;

17. To provide for open spaces through the most efficient design and layout of the land;

18. To assure the adequacy of drainage facilities; and

19. To minimize flood losses resulting from periodic inundation through:

- a. Restriction or prohibition of subdivision of lands for uses which are dangerous to health, safety or property in times of flood, or which, with reasonably anticipated improvements, will cause excessive increases in flood heights or velocities;
- b. Requirements that each subdivision lot in an area vulnerable to flooding be provided with a safe building site, with adequate access and that public utilities and facilities which serve such uses be installed with protection against flood damage at the time of installation; and
- c. Protection of individuals from purchase of lands unsuitable for intended purposes because of flood hazards, through the prohibition of unprotected flood hazard lands subdivision, requirements for delineated flood hazard areas on the Final plat, and suitable uses provided for areas unsuitable for residential development.

§ 22-103 JURISDICTION.

These regulations shall govern the subdivision of land (as established by §6 of this article) within the jurisdictional area of the municipal planning commission of the city of Blanchard, Oklahoma.

§ 22-104 STATEMENT OF POLICY.

1. It is hereby declared to be the policy of the city of Blanchard, Oklahoma, to consider the subdivision of land the subsequent development of the subdivided plat as subject to the control of said city pursuant to the city's comprehensive plan for the orderly, planned, efficient and economical development of said city.

2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until available public facilities and improvements are assured or exist and proper provision has been made for drainage, water, sewerage and capital improvements such as schools, parks, recreation facilities, transportation facilities and improvements.

3. Existing and proposed public improvements shall conform to, and be properly related to, the proposals shown in the Blanchard Comprehensive Plan and Capital Improvements Program, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the city's building and housing codes, zoning ordinance, code of ordinances, comprehensive plan and capital improvements program.

4. No building permit shall be issued for the construction of any building or structure on any tract of land which has not been subdivided or platted in accordance with the code of ordinances and the adopted subdivision regulations of the city of Blanchard, Oklahoma, and filed of record, except as provided herein. A building permit may be issued when the tract of land on which the permit is sought is defined by metes and bounds description in a deed of conveyance, only if all of the following conditions exist:

- a. The permit being sought is to enlarge an existing building or structure, or to construct an accessory building;
- b. All required street rights-of-way shall have been previously dedicated;
- c. All required utility and drainage easements shall have been previously dedicated;
- d. All offsite improvements, as required, are approved by the city council accordingly:
 - (1) If an existing water line is within three-hundred (300) feet of the property line, the applicant must extend the line to service the property;
 - (2) If an existing sanitary sewer line is within three-hundred (300) feet of the property line, the applicant must extend this line to service the property;
 - (3) Paving of the street adjacent to the property line according to municipal standards;
 - (4) The city council may grant an exception to the above where unusual physical conditions exist;
 - (5) Nothing herein shall reduce or nullify any of the remaining provisions of the city of Blanchard, Oklahoma's adopted subdivision regulations.

5. No building permit shall be issued for any development on any tract of land for which a development plan is required, unless such development is in conformity with the development plan submitted with the final plat or is in conformity with an amended development plan which has been re-submitted to the city council and the planning commission, to insure compliance with all applicable regulations.

§ 22-105 OFFICIAL RECORDING.

1. No land shall be subdivided or a plat filed within the jurisdictional area of the municipal planning commission of the city of Blanchard, Oklahoma, until the subdivider (or his agent) shall obtain the approval of said planning commission (and the city council, if the plat is within the city's corporate limits) for the preliminary plat and the final plat of the proposed subdivision.

2. No plat or other land subdivision instrument shall be filed in the office of the McClain County Clerk until it shall have received approval, as herein required.

3. All plats of record (i.e. final plats) shall be filed within two (2) years of the date of final approval by the municipal planning commission of the city of Blanchard, Oklahoma, and no lots shall be recorded as transferred by the McClain County Clerk regarding any final plat, until such plat is filed.

4. Failure to record the final plat within two (2) years of said date of approval shall VOID all approvals thereto.

§ 22-106 APPLICATION OF REGULATIONS.

These regulations shall apply to the following forms of land subdivision and development within the jurisdiction of the Blanchard Municipal Planning Commission:

1. The division of land or air space into two (2) or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain ten (10) acres or less in area:

2. The re-division of land, previously divided or platted, into tracts, lots, sites or parcels, any part of which re-division shall be ten (10) acres or less in area;

3. The dedication, vacation or reservation of any public or private easement through any tract of land, regardless of the area involved, including those for use by public and private utility companies;

4. The dedication or vacation of any street or alley through any tract of land, regardless of the area involved;

5. Planned Unit Development (PUD) or Planned Development (residential, industrial or commercial), as defined in these subdivision regulations and the city's adopted zoning ordinance;

6. Any commercial shopping center or industrial park development which fits the other jurisdictional provisions of these subdivision regulations;

7. Any tract, lot, site or parcel of land, regardless of size, which is to be developed and on which exists, or will exist because of such contemplated development, any topographic feature or improvement requiring the dedication or reservation of any easement, public or private, under the provisions of these subdivision regulations;

8. Any plat or part of a plat which is to be vacated by the owner of the premises or tract of land; and

9. Lot splits and lot line adjustments, according to the provisions contained herein for "*exceptions to regulations*".

§ 22-107 EXCEPTIONS TO REGULATIONS.

1. Lot Splits. Whenever there is a tract or previously subdivided parcel of land, under single ownership, which is to be re-subdivided into three (3) or fewer lots, the proposed subdivision may be excepted from the procedural requirements of these regulations (i.e., Preliminary and Final plats are not required); however, this shall not constitute an exception from the design and improvement requirements herein contained. These exceptions, or "*lot splits*", shall be permitted under the following provisions;

- a. An accurate survey (in a plat format) of the proposed tract, and the re-subdivision thereof, prepared by a land surveyor registered in the state of Oklahoma, shall be submitted to the planning commission.
- b. The planning commission shall review the proposed "lot split" to insure compliance with all design and improvement requirements of these regulations.
- c. Upon approval, the planning commission chairman shall certify the plat by signing the said document.
- d. Upon denial, the planning commission chairman shall submit the reasons for denial, in writing, to the applicant.

- e. Whenever a deviation is required from improvement standards, or a street or other element is to be dedicated, the city council shall have final approval and acceptance rights; for all other lot splits, the action of the planning commission shall be final, although the applicant may elect to appeal to the city council.
- f. A tract of land which has been subject to “*lot splits*” involving more than five (5) lots over any period of time shall not be allowed further use of the “*lot split*” exception; said tract shall be subject to the procedures contained herein for the platting of land.

2. Lot Line Adjustments. For the purpose of adjusting the size of building sites, “*lot line adjustments*” to lines of platted lots shall be subject to administrative approval by the city manager or his designated agent; however, it is not intended that extensive re-platting be accomplished under this exception. Said “*lot line adjustments*” shall be subject to the following provisions:

- a. No additional lot shall be created by any “*lot line adjustment*”.
- b. No “*lot line adjustment*” shall be allowed unless all required improvements are either completed or accepted by the city of Blanchard, Oklahoma, or their construction is secured under the applicable provisions of these regulations.
- c. All proposed parcels or building sites involved in a “*lot line adjustment*” shall abut on either an existing alley or adequate utility easement, and on a publicly-dedicated street.
- d. Unusable parcels shall not be created as a result of any “*lot line adjustment*”.
- e. “*Lot line adjustment*” requests shall be reviewed and approved or denied by the city manager or his designated agent, with the right of appeal to the planning commission and the city council.

§ 22-108 VACATION OF PLATS.

1. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein by a written instrument, of which a copy to such plat shall be attached, declaring the same to be vacated, following court action, as required by state law.

2. Such an instrument shall be approved by the planning commission in like manner as plats of subdivisions. The city council may reject any such

instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

3. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys, public grounds and all dedications laid out or described in such plat.

4. When lots have been sold, the plat may be vacated in the manner herein provided, by all of the owners of lots in such plat joining in the execution of such writing, subsequent to court action as required by applicable state law.

§ 22-109 RESPONSIBILITY FOR ADMINISTRATION.

The primary responsibility for the administration of these regulations shall be that of the planning commission. It is the intent of the planning commission that the public interest be protected by a thorough review of all proposed plats, without undue delay to developers.

§ 22-110 AMENDMENT OF REGULATIONS.

The city council may, from time to time, adopt amendments to these regulations to the end that the public is better informed and that the approval and review of plats is improved and/or expedited. These amendments shall be adopted by said city council by ordinance, following at least one (1) review session by the municipal planning commission.

§ 22-111 AGENDA.

1. Each plat submitted for preliminary or final review shall be placed on the agenda of the planning commission only after fulfilling appropriate requirements of these regulations.

2. Any plat not meeting all of the requirements may be submitted if the subdivider presents, with the plat, a written request for specific exceptions, and enumerates, in detail, the reasons therefore; however, the planning commission, after appropriate review of said request, shall not be bound to continue its review if said request does not contain adequate reasons for said omissions and a reasonable timetable for submission of omitted elements.

§ 22-112 FILING FEES.

1. In order to partially defray the administrative costs of plat review, a filing fee shall be paid to the city clerk, at the time of submission of the application for the preliminary plat. The fee shall be two-hundred (\$200.00)

dollars plus the appropriate city engineer review fee. The city engineer plat review fee shall be posted at city hall.

2. Where only a phase of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within five (5) years of the preliminary approval, without payment of any additional filing fees by the subdivider, if the final plat for the additional area conforms substantially with the approved preliminary plat.

§ 22-113 VARIANCES.

1. Where the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured; provided, that, such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided, that, the planning commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property in the areas where the variance is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the Variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result (as distinguished from a mere inconvenience), if the strict letter of these regulations are carried out; and
- d. The variances will not in any manner conflict with, or vary from, the provisions of the adopted zoning ordinance or Blanchard Comprehensive Plan.

2. In approving variances, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

§ 22-114 INTERPRETATION.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

§ 22-115 CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.

1. Public Provisions. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, statute or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that, where the provisions of these regulations are more restrictive or impose standards or regulations higher than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or of higher standards than the requirements of these regulations or the determination of the planning commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determination thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

§ 22-116 DEFINITIONS.

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as hereinafter set forth. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “*in these regulations*”; the word “*regulations*” means “*these regulations*”; a “*person*” includes a corporation, a partnership and an incorporated association of persons such as a club; “*shall*” is always mandatory; a “*building*” includes a “*structure*”; a “*building*” or “*structure*” includes any part thereof; “*used*” or “*occupied*” as applied to any land or building shall be construed to include the words “*intended, arranged or designed to be used or occupied*”.

1. Air Rights. The rights to a space above a property, for development.

2. Air Space. The space above the land which might be subject to division and sale either with, or separate from, the surface.

3. Alley. A minor right-of-way, dedicated to public use, from which a secondary means of access to the back or side of properties otherwise abutting a street is obtained, and which may be used for public utility purposes.

4. Appeal. A request for a review of the municipal building inspector's interpretation of any provision of the city's Floodplain Management Regulations or a request for a variance.

5. Area of Shallow Flooding. A designated AO, AH or VO zone on the community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet, where a clearly defined channel does NOT exist, where the path of flooding is unpredictable and where velocity of flow may be evident. Such flooding is characterized by ponding or sheet flow.

6. Area of Special Flood Hazard. The land in the floodplain within the community subject to a one (1%) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

7. Base Flood. The flood having a one (1%) percent chance of being equaled or exceeded in any given year.

8. Block. A parcel of land, intended to be used for development purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks, rural lands, drainage channels or boundary lines of municipalities.

9. Bond. Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit, in an amount and form satisfactory to the Blanchard city council; all bonds shall be approved by said city council whenever a bond is required by these regulations.

10. Building. Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind (including any structure).

11. Building Code. A collection of regulations, adopted by the Blanchard city council, setting forth standards for the construction of buildings and other structures, for the purpose of protecting the health, safety and welfare of the public.

12. Building or Setback Line. A line or lines within a lot designating the area outside of which buildings may NOT be erected.

13. Building Permit. Permit required before construction can be initiated; building permit provisions are contained in the code of ordinances for the city of Blanchard.

14. Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

15. City. The city of Blanchard, Oklahoma.

16. City council. The city council (the official governing body) of the city of Blanchard, Oklahoma.

17. Cluster Development. A development pattern in which densities and/or uses are “*clustered*” rather than spread evenly throughout a parcel as in conventional lot-by-lot development. (Cluster development is used to preserve open space, create workable land use mixtures and save money by building fewer streets and shorter utility lines.)

18. Code of Ordinances. The officially-adopted “*code of ordinances*” of the city of Blanchard, Oklahoma.

19. Comprehensive or Community Plan. The officially-adopted comprehensive plan or plans for the city of Blanchard, Oklahoma, which provide(s) long-range development policies for the area subject to urbanization in the foreseeable future.

20. Construction Plans. Maps or drawings accompanying a subdivision plat, showing the specific location and design of required subdivision improvements.

21. Critical Feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

22. Dedication. The transfer of property from private to public ownership.

23. Dedication, Fee in Lieu of. Payments of cash, authorized and provided for in adopted subdivision regulations, when requirements for mandatory dedication of land cannot be met because of site conditions or other reasons.

24. Density. The average number of families, persons or housing units per acre of land.

25. Drainageway. Any depression below the surrounding land, serving to give direction to a regular or periodic current of water.

26. 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.

27. Elevated Building. A non-basement building:

- a. built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated about the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and,
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, “elevated building” also includes a building elevated by means of fill or solid foundation movement of flood waters. In the case of Zones V1-30, VE or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building”, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of §60.3 (e)(5) of the National Flood Insurance Program Regulations.

28. Erosion. The general process whereby soils are removed or moved by flowing surface or subsurface water.

29. Existing Construction. Structures for which the “*start of construction*” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “*Existing construction*” may also be referred to as “existing structures”.

30. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas adjacent to stream channels, resulting from the overflow of such streams, rivers or other inland waterways, or the unusual and rapid runoff of surface waters from any source.

31. Flood Hazard Area. The maximum area of the floodplain that, on the average, is likely to be flooded once every one-hundred (100) years (i.e., that has a one (1%) percent chance of being flooded in any given year).

32. Flood Insurance Rate Map (FIRM). An official map of the community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

33. Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

34. Floodplain Management Program. The full range of codes, ordinances and other regulations, projects and programs relating to the use of land and construction within the limits of the floodplain; the term encompasses the city's zoning ordinance, subdivision regulations and sanitary and building codes.

35. Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "*special flood hazard*" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood-modifying works are those constructed in conformance with sound engineering standards.

36. Floodway (Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

37. Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but not the ordinary side of a corner lot.

38. Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

39. Grade. The slope of a road, street or other public way, specified in five (5%) percentage terms.

40. Habitable Floor. Any floor usable for the following purposes, including working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "*habitable floor*".

41. Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

42. Improvements. Street pavements, curbs, pedestrianways, water mains, sanitary and storm sewers, monuments, trees and other appropriate items for which the city of Blanchard, Oklahoma, may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which municipal responsibility is established. All such improvements shall be properly bonded, in accordance with the provisions of these regulations.

43. Intensity. The degree to which land is used. (Often used synonymously with “*density*”).

44. Lot. A parcel of land, intended as a unit for the transfer of ownership or for development, of at least sufficient size to meet minimum zoning ordinance requirements for use, coverage and area, and to provide such yards and other open spaces as are required. Such lot shall abut a public street or a private street (if said private street conforms to statutory standards), and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record and portions of lots of record; or;
- d. A parcel of land described by metes and bounds; provided, that, in no case of division or combination shall any lot or parcel be created which does not meet the requirements of these regulations or the city’s adopted zoning ordinance.

45. Lot, Corner. A lot located at the intersection of, and abutting on, two (2) or more streets.

46. Lot, Double Frontage. A lot which runs through a block from street to street and has non-intersecting frontage on two (2) or more streets.

47. Lot, Interior. A lot other than a corner lot.

48. Lot, Mobile Home. A parcel or tract of land for the placement of a single mobile home and for the exclusive use of its occupants.

49. Lot, Reverse Frontage. A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of access provided on a minor street.

50. Lot, Townhouse. A lot shown on a townhouse plat and intended as the site of a single, attached dwelling unit.

51. Lot Area. The total horizontal area included within lot lines.

52. Lot Depth. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

53. Lot Frontage. That dimension of a lot, or portion of a lot, abutting on a street, except the side dimension of a corner lot.

54. Lot Line Adjustment. A relocation of the lot line(s) included in a plat which is filed of record, for the purpose of making necessary adjustments to building sites.

55. Lot Lines. The lines bounding a “lot”, as defined herein.

56. Lot of Record. A separate and distinct parcel of land, designated on a legally-recorded subdivision plat or a legally-recorded deed filed in the records of the McClain County courthouse.

57. Lot Split. Any division of land into three (3) or fewer parcels for the purpose, whether immediate or future, of transfer of ownership, and which constitutes a “*subdivision*”, as herein defined.

58. Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area, is NOT considered a building’s lowest floor; provided, that, such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of §60.3 of the National Flood Insurance Program Regulations.

59. Manufactured Housing. The term “manufactured housing” 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 (3) types of manufactured housing are defined as meeting all of the requirements listed below, and are to be considered separate from mobile or modular housing:

a. Type I Manufactured Housing shall:

- (1) have more than one-thousand (1,000) square feet of occupied space in a typically double-section or large multi-section unit, with a minimum width of twenty (20) feet;

- (2) be placed onto a permanent foundation, and be anchored to the ground, in accordance with the city's foundation code or other adopted foundation requirements, and the manufacturer's specifications;
- (3) utilize a permanent perimeter enclosure, in accordance with municipally approved installation standards;
- (4) have wheels, axles and hitch mechanisms removed;
- (5) have all utilities connected, in accordance with the appropriate municipal codes and the Manufacturer's specifications;
- (6) have siding material of a type customarily used on site-built residences in the neighborhood;
- (7) have a roofing material of a type customarily used on site-built residences in the community and neighborhood;
- (8) have a one-hundred (100) square foot (minimum), attached, covered and/or enclosed parking garage, which is compatible with other housing in the immediate area; all parking and driveway areas shall be hard-surfaced;
- (9) have legitimate front and rear doors; and
- (10) have a minimum eave width of six (6) inches.

b. Type II Manufactured Housing shall:

- (1) have more than seven-hundred and twenty (720) square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units);
- (2) be placed onto a permanent foundation, and be anchored to the ground, in accordance with the city's foundation code or other adopted foundation standards, and the manufacturer's specifications;
- (3) utilize a permanent perimeter enclosure, in accordance with municipally approved installation standards;
- (4) have wheels, axles and hitch mechanisms removed;

- (5) have utilities connected in accordance with appropriate municipal codes and the manufacturer's specifications;
- (6) have siding material of a type customarily used on site-built residences in the neighborhood;
- (7) have roofing material of a type customarily used on site-built residences in the neighborhood;
- (8) have a one-hundred (100) square foot (minimum), attached, covered and/or enclosed parking garage, which is compatible with other housing in the immediate area; all parking and driveway areas shall be hard-surfaced;
- (9) have legitimate front and rear doors; and
- (10) have a minimum eave width of six (6) inches.

c. Type III Manufactured Housing shall:

- (1) have more than four-hundred (400) square feet of occupied space, in a single, double, expanded or multi-section unit (including those with add-a-room units);
- (2) be placed onto a support system, in accordance with municipally approved installation standards;
- (3) be enclosed with foundation siding or skirting, in accordance with municipally approved installation standards;
- (4) be anchored to the ground, in accordance with the manufacturer's specifications and the city's appropriate, adopted code; and
- (5) have utilities connected, in accordance with appropriate municipal requirements and the manufacturer's specifications.

60. Mean Sea Level. The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

61. Metes and Bounds. A system of describing and identifying land, by measures (metes) and direction (bounds), from an identifiable point of reference.

62. Mobile Home. Any single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbed or other trailers (both highway and rail) and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and similar operations.

63. Mobile Home Park. Land or property which is used, or intended to be used, or rented for occupancy by two (2) or more mobile homes, trailers or movable sleeping quarters of any kind.

64. Mobile Home Subdivision. (See “*Subdivision*”)

65. Modular Home. A factory-fabricated, transportable building unit, not built on a permanent chassis, designed to be used by itself or to be incorporated with similar units on a permanent foundation; the term is intended to apply to major assemblies and does not include prefabricated sub-elements incorporated into a structure at the site. All of the following conditions must be certified (in writing) by the manufacturer of the “*modular home*”:

- a. The structure is designed only for erection on a site-built, permanent foundation;
- b. The structure is not designed to be moved once erected or installed on a site-built, permanent foundation;
- c. The structure is designed and manufactured to comply with the city’s adopted building code; and
- d. The structure is not designed, to the manufacturer’s knowledge, to be used other than on a site-built, permanent foundation.

66. Monument or Marker. A subdivision improvement, designed to provide permanent survey reference points within a subdivision, which may be of one (1) of three (3) types:

- a. Type “A”: A non-corrosive metal plate set in portland cement or asphaltic concrete;
- b. Type “B”: Iron bar or pipe set in concrete; or
- c. Type “C”: Iron bar set in unexcavated soil.

67. New Construction. Structures for which the “start of construction” commenced on or after the effective date of any Floodplain Management Regulations adopted by the city of Blanchard, Oklahoma.

68. One-Hundred (100) Year Flood. A flood of a frequency expected to occur on the average of once every one-hundred (100) years or a flood magnitude which has a one (1%) percent chance of occurring in any given year.

69. Parcel. A lot or contiguous group of lots, in single ownership or under single control, and usually considered as a single tract for purposes of development.

70. Pedestrianway. A right-of-way dedicated to public use to facilitate pedestrian access to streets and properties.

71. Planning Commission. The municipal planning commission of the city of Blanchard, Oklahoma.

72. Planned Unit Development (PUD). A form of development usually characterized by a unified site design for a number of housing units, and incorporating such techniques as clustering structures, providing common open space, density increases and a mix of building types and land uses. (This permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis).

73. Plat, Final. A map of a land subdivision, and any required accompanying material, 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.

74. 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.

75. Pre-Planning Meeting. A scheduled meeting with the developer and the planning commission prior to the application for preliminary plat. The purpose of the pre-planning meeting is to facilitate the application process by allowing the developer to present an artist's conception of the proposed development and to discuss the particulars of the project.

76. Private or Restrictive Covenants. A private legal restriction on the use of land, contained in the deed to the property, or otherwise formally recorded.

77. Re-Division or Re-Subdivision. A change in an approved or recorded subdivision plat, if such change affects any street layout, lot line or area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivision.

78. Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or another special use. The usage of the term “*right-of-way*” for land platting purposes shall mean that every right-of-way hereafter established and shown on a Final plat, is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

79. Roadway. That portion of any street so designated for vehicular traffic; where curbs are in place, that portion of the street between the curbs.

80. Sedimentation. Processes that operate at or near the surface of the ground to deposit soils, debris and other materials, either on other ground surfaces or in water channels.

81. Solar Collector. Any device or combination of devices or elements which rely upon sunshine as an energy source. The term also includes any substance or device which collects solar energy for use in:

- a. The heating or cooling of a structure or building;
- b. The heating or pumping of water;
- c. Industrial, commercial or agricultural processes; or
- d. The generation of electricity.

A solar collector may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member, or part, of a roof of a building or structure and serving as a window or well.

82. Solar Right. A right to an unobstructed line-of-sight path from a solar collector to the sun, which permits radiation from the sun to impinge directly on the solar collector.

83. Start of Construction. The date the building permit was issued, as long as the actual start of construction, repair, reconstruction, placement or other improvement was within one-hundred and eighty (180) days of said permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage

of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.

84. Street. Any public or private right-of-way which affords the primary means of access to abutting property.

85. Street, Commercial or Industrial. A street which abuts property zoned for commercial or industrial use and which is designed to provide access to those parcels so designated.

86. Street, Half. Any street platted twenty-five (25) feet or more in width, where, at the time of the approval of the plat, it is the intent of the city council that said street dedication shall constitute only a part of the total street easement width.

87. Street, Major. An arterial street which is so designated on the Major Streets Plan or Comprehensive Plan, and is designed to carry inter-city traffic and to relate the various neighborhoods or residential areas within the city of Blanchard, Oklahoma. Major streets shall be classified as follows:

- a. Limited Access Highway. A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property or lands, and other persons, have no legal right to access to or from the same, except at such points and in such manner as may be determined by the Oklahoma State Department of Transportation.
- b. Primary Arterial or Thoroughfare. A roadway intended to move through traffic to and from major traffic generators or as a route for traffic between communities or employment centers.
- c. Secondary Arterial or Thoroughfare. A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic-generating areas, or a road which may be designated to carry traffic from collector streets to the system of primary arterials.

88. Street, Minor. Any street other than one designated as a major street in the Major Streets Plan or the Comprehensive Plan, but not including alleyways. Minor streets shall be classified as follows:

- a. Collector Street. A street collecting traffic from other minor streets; serves as the most direct route to a major street or community facility and should be designed so that no residential properties front onto it.
- b. Local Street. A street primarily providing access to and from abutting property and serving only occasional through traffic.
- c. Cul-de-Sac. A street having one (1) end open to vehicular traffic and one (1) closed end, terminated by a turnaround.
- d. Court. A secondary designation following a street name used only when street alignment is such that a short street is created that does not warrant a new street name.
- e. Place. A secondary designation following a street name used only when street alignment is such that a short street is created that does not warrant a new street name.
- f. Dead-End Street. A street, similar to a cul-de-sac, but providing no turnaround at its closed end.
- g. Frontage or Service Street. A 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.

89. Street, Perimeter. Any existing street to which the parcel of land to be sub-divided abuts on only one (1) side.

90. Street Classification. For the purpose of providing for the development of the streets, highways, roads and rights-of-way in the city of Blanchard, Oklahoma, and for their future improvement, reconstruction, realignment and necessary widening (including provision for curbs and sidewalks), each existing street, highway, road and right-of-way has been designated in the Comprehensive Plan of the city of Blanchard, Oklahoma, and classified therein. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts of the city, its present and estimated future traffic volume and its relative importance and function, as specified in the city's Comprehensive Plan. The required street and sign improvements shall be measured as set forth for each classification in the adopted subdivision regulations and/or the city's Comprehensive Plan.

91. Structure. A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

92. Subdivider or Developer. Any person, firm, partnership, corporation or other entity acting as a unit, subdividing, proposing to subdivide or re-subdividing land as herein defined, including all changes in street or lot lines.

93. Subdivision. The division or re-division of land (vacant or improved) or airspace, into two (2) or more lots, tracts, parcels, sites, areas, units or plots, any one (1) of which, when divided, has an area of less than ten (10) areas, for the purpose of transfer of ownership or for development, or the dedication, vacation or re-alignment of any public or private right-of-way easement. Subdivisions shall be classified as follows:

- a. Major. All subdivisions not classified as minor subdivisions, including but not limited to, subdivisions of four (4) or more lots, or any size sub-division requiring any new street or extension of municipal facilities, or the creation of any public improvements.
- b. Minor. Any subdivision containing not more than three (3) lots fronting on an existing street, involving any new street or road, or the extension of municipal utilities or facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, zoning ordinance or these regulations. A “*lot split*” or “*lot line adjustment*” shall be considered a minor subdivision.
- c. Mobile or Manufactured Home. A unified development of mobile home lots, which has been subdivided for the purpose of individual ownership, and which is governed by the provisions of these regulations the city’s adopted zoning ordinance and the code of ordinances for the city of Blanchard, Oklahoma.
- d. Nonresidential. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

94. Subdivision Regulations. The officially-adopted subdivision regulations for the city of Blanchard, Oklahoma, designed to provide standards for the subdivision of land within the jurisdiction areas of the municipal and regional planning commission of said municipality.

95. Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling,

floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or State Register of Historic Places.

96. Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision, prior to the release of the performance bond, or its equivalent.

97. Townhouse. One (1) of a series of two (2) or more attached dwelling units, separated from one another by continuous, vertical walls without openings from basement floor to the roof deck and tight against the same or through the roof, and which are intended to have ownership transferred in conjunction with a lot platted in accordance with state law.

98. Tree Crown. The outside diameter of a tree's branches.

99. Variance (Floodplain). A grant of relief to a person from the requirements of the city of Blanchard, Oklahoma's Floodplain Management Regulations, when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by said regulations. (For full requirements see §60.6 of the National Flood Insurance Program Regulations.)

100. Violation. The failure of a structure or other development to be fully compliant with the community's Floodplain Management Regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of the compliance required in §§60.3 (b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

101. Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.

102. Way. Any street, avenue, highway, boulevard, road or alley reserved and/or dedicated for public or private use, chiefly by vehicular or pedestrian traffic.

103. Zero Lot Line. A flexible development approach in which a building is sited on one (1) or more lot lines with NO YARD (conceivably, 3 or the 4 sides

of the building could be on the lot lines), in order to allow more flexibility in site design and to increase the amount of usable open space on the lot.

104. Zoning Ordinance. The officially adopted zoning ordinance for the city of Blanchard, Oklahoma.

§ 22-117 SEPARABILITY.

If any §, 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 §, clause, paragraph, provision or portion of these regulations.

§ 22-118 CONFLICTING ORDINANCES REPEALED.

All ordinances and parts of ordinances in conflict herewith are hereby repealed, including that part of Ordinance No. 152 of the city of Blanchard, Oklahoma, and any amendments thereto, which relate purely to the adopted subdivision regulations.

§ 22-119 VIOLATIONS; PENALTY.

1. No building permit shall be issued for any new structure or change, improvement, or alteration or any existing structure on any tract of land in a subdivision filed of record after the effective date of these regulations, which does not comply with all the provisions of these regulations.

2. A violation of these regulations shall be deemed an offense and shall be punishable by fine. Any person, firm or corporation which violates or refuses to comply with any of the provisions of these regulations shall be fined in an amount not to exceed one-hundred (\$100.00) dollars for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

ARTICLE II

PLAT PREPARATION AND REVIEW

- § 22-201 General provisions.
- § 22-202 Preliminary plat.
- § 22-203 Improvement plans.
- § 22-204 Final plat.
- § 22-205 Pre-planning meeting.

§ 22-201 GENERAL PROVISIONS.

1. Plat Approval. For all cases of subdivision within the scope of these regulations, a plat shall be drawn and submitted to the municipal planning commission and the city council (if the subdivision is within the city limits), for their approval or disapproval.

2. Acceptance of Dedications and Easements. All easements and areas dedicated to public use within the corporate limits of the city of Blanchard, Oklahoma, shall be submitted to the city council for acceptance. Outside of the corporate boundaries of the city, no easements or publicly-dedicated areas shall be effectively dedicated to McClain County until such easements or areas, as shown on the plat, have been submitted to, and reviewed and formally accepted by, the Board of Commissioners of McClain County, Oklahoma, consistent with appropriate jurisdictional requirements.

3. Subdivision Process. The subdivision process prescribed in these regulations shall consist of three (3) phases:

- a. Pre-planning meeting;
- b. Preliminary plat (and improvement plans); and
- c. Final plat.

4. Special Procedures. Administrative procedures for review of the following types of subdivisions shall be as provided in article I of these regulations:

- a. Lot splits;
- b. Lot line adjustments;
- c. Planned development;
- d. Mobile or manufactured home subdivision;
- e. Re-subdivision;
- f. Undeveloped plats; and
- g. Vacation of plats.

§ 22-202 PRELIMINARY PLAT.

1. Purpose. The preliminary plat is intended to provide an interim step in the subdivision process in which the developer presents detailed plats and improvement plans for review and approval by the planning commission and the city council (if the subdivision is within the city limits).

2. Application. The owner, or his representative, shall file an application for review and approval of a preliminary plat. The application shall:

- a. be made on forms available from the office of the city clerk. Applicants shall be required to purchase a copy of the *Blanchard Subdivision Regulations*. The price of the subdivision regulations shall be posted at city hall.
- b. be accompanied by at least four (4) copies of the preliminary plat and at least two (2) copies of the required improvement plans, as described in this article and a copy of the “Notice of Intent” (NOI) from the Department of Environmental Quality, state of Oklahoma.
- c. be delivered to the office of the city clerk. The preliminary plat will be immediately referred to the city engineer for review. If the plat is disallowed by the city engineer for any reason, written notice will be sent to the applicant by the city clerk. Subsequent to a notice of a disallowed plat, the applicant may submit an amended plat to the city clerk. The city clerk shall immediately refer the amended plat, at no additional fee, to the city engineer for review. If the city engineer finds the application and the plat in compliance, it will be referred to the chairperson of the planning commission. The city engineer reserves the right to review the plat or amended plats for up to thirty (30) days from the date of receipt.
- d. be reviewed by the chairperson of the planning commission for compliance. If the plat is disallowed for any reason, written notice will be sent to the applicant, by the city clerk, within seven (7) days of the date of referral. If the application is in compliance, it will be placed on the agenda of the next regular meeting of the planning commission.
- e. If the applicant does not agree with the decision to disallow, applicant can request to be placed on the agenda for a full commission hearing.

3. Planning Commission Review. The chairman of the planning commission (or his designated representative on the municipal staff) or the city clerk shall be responsible for setting a date for planning commission review of

the preliminary plat and notifying the owner of the subdivision or his agent, in writing, of said date; he shall also be responsible for obtaining the comments of municipal utilities superintendents, the county health department, the police and fire chief and the school superintendent on the proposed subdivision. The planning commission's review of the preliminary plat shall be in accordance with the following provisions:

- a. The planning commission shall review the applicant's preliminary plat, and shall approve, approve conditionally or disapprove the plat within sixty (60) days of the date of its receipt by the city from the applicant. The subdivider shall be notified in writing of this action, which notification shall specifically state any conditions of approval, or those provisions of the Comprehensive Plan or other regulations with which the disapproved plat was not in conformance. One (1) copy of the preliminary plat shall be returned to the subdivider with said notification. On conditionally approving a plat, the planning commission may require the submission of a revised preliminary plat.
- b. If the preliminary plat has not been acted upon by the planning commission within the sixty (60) day period and an agreement to extend the time has not been obtained from the applicant, the plat shall be deemed to have been approved by the planning commission.
- c. If the plat conforms to all of the standards referred to herein, or after all agreed-to revisions are included therein, two (2) copies of the preliminary plat shall be forwarded to the city clerk along with a written recommendation from the planning commission, for scheduling of review by the city council.

4. City Council Review. The city clerk shall be responsible for placing the subdivision on the agenda of the city council and providing written notice of said date to the chairman of the planning commission and the owner (or his agent) of the subdivision. The city council's review of said subdivision shall be in accordance with the following provisions:

- a. The city council shall approve, approve conditionally or disapprove the preliminary plat within sixty (60) days of its receipt by the city clerk for placing on the city council's agenda. The subdivider shall be notified in writing of this action, with notification shall specifically state any conditions of approval, or those provisions of the Comprehensive Plan or other regulations with which the disapproved plat was not in conformance. One (1) copy of the preliminary plat shall be returned to the subdivider with said notification. On conditionally approving a plat, the city council may require the submission of a revised preliminary plat.

- b. If the preliminary plat has not been acted upon by the city council within the sixty (60) day period and an agreement to extend the time has not been obtained from the applicant, the plat shall be deemed to have been approved by the city council without the acceptance, by the city, of dedications, easements, etc.
- c. If the preliminary plat conforms to all of the standards of the Comprehensive Plan, these and other regulations of the city of Blanchard, OK, and is approved, or after the applicant and the city council agree upon any revised copy, the subdivider may proceed with the construction of required improvements and the preparation of the final plat.

5. Approval Period. The approval or conditional approval of a preliminary plat shall be effective for a period of two (2) years from the date of city council approval, at the end of which time, unless a final plat on the subdivision shall have been submitted to the planning commission, the preliminary plat shall be considered null and void. In such cases, the subdivider shall be required to re-submit a preliminary plat for the subdivision. In reviewing a preliminary plat which has been re-submitted by reason of being voided by the passage of time, the planning commission shall not be bound by a previous approval.

6. Sectionalizing Subdivision Plats. Prior to approval of a final plat, the planning commission may permit the preliminary plat to be divided into two (2) or more “phases” and may impose such conditions upon filing of the final plat phases as it may deem necessary to assure the orderly development of the plat.

7. Conditional Approval Provisions. The planning commission or the city council may elect to place conditions upon the approval of the preliminary plat, and may stipulate the requirements for satisfaction of such conditions. In addition, either body may conditionally approve a preliminary plat which is submitted for consideration without complete improvement plans in order to expedite the review process; such conditional approval shall be given only when the subdivider provides written assurance of plan submission within a specified period of time which allows the adequate review of said plans prior to consideration of the final plat.

8. Specifications. Preliminary plats submitted to the planning commission shall be drawn at a scale of one-hundred (100) feet to one (1) inch, and shall bear, or be accompanied by, the following information or materials:

- a. (Descriptive Margin Data).

- (1) Map scale, north point and date;

- (2) Proposed subdivision name;
- (3) Names and addresses of the owners of record, the subdivider, and the registered engineer or licensed surveyor preparing the plat; and
- (4) An inset key map showing the location of the proposed subdivision, reference to existing or major streets and to government section lines or other survey control points, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part.

b. (Existing Conditions).

- (1) Location and names of adjacent subdivisions and the owners of adjoining parcels of un-subdivided land;
- (2) Topography, with contour intervals of two (2) feet or less, referenced to a U.S. Geological Survey or U.S. Coast and Geodetic Survey Bench Mark;
- (3) Water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams; if any portion of any land within the proposed subdivision lies within the city's designated floodplain, such fact and said land shall be clearly shown on the preliminary plat;
- (4) Location, widths and names of all existing platted or dedicated streets, alleys or other public ways and easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings, bridges and the location, size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures or pipelines; and
- (5) Zoning district classification (if there is more than one (1) classification, the dividing lines shall be shown) of land to be subdivided, as well as adjoining lands.

c. (Proposed Development).

- (1) The boundaries of the proposed subdivision (to the indicated scale), showing the total perimeter; lengths of all lines shall be measured to the nearest foot and bearings of lines shall be given;

- (2) The location and width of proposed streets, alleys, easements and pedestrian ways, conforming to the approved street classification criteria;
- (3) The classification of every street within or adjacent to the proposed subdivision, in accordance with the intended use of the street based on the proposed design (this shall be done by placing the appropriate term directly on each street);
- (4) The location of all drainage channels and subsurface drainage structures, the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed subdivision;
- (5) Approximate radii of all curves and lengths of all tangents;
- (6) Layout, numbers and approximate dimensions of lots and the number or letter of each block;
- (7) Building setback lines, with dimensions;
- (8) Indication of any lots on which uses other than residential are proposed by the subdivider;
- (9) The location, size and type of all proposed public utility lines, including storm and sanitary sewer, water, gas and power lines. All public utility improvements shall be constructed underground. If a community sewage treatment plant, or other type of community disposal system is to be installed or constructed to serve all or certain portions of the proposed subdivision, the basic design layout for such community type sewage treatment or disposal system shall be shown (or accompany the plat) and be so identified on the Preliminary plat; and
- (10) The location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservation.

d. (Additional Materials).

- (1) One (1) copy of a generalized statement, signed by the developer describing the conditions existing on the site, suitability for development and the developer's goals for the proposed development;
- (2) One (1) copy of a description of the improvements (such as grading, paving, walkways, and the installation of utilities, etc.) which the developer proposes to make, and the **timeline** for completion of said improvements;
- (3) Two (2) copies of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line and along the property lines of the street;
- (4) Where deed restrictions are to be recorded on the plat, one (1) copy of a brief description of the proposed restrictions shall accompany the plat; and
- (5) In case of re-subdivision, one (1) copy of the existing plat shall accompany the preliminary plat.

e. (Floodplain Subdivision Materials).

- (1) One (1) copy of the preliminary plan for onsite waste disposal systems, including disposal sites for lands subject to flooding, or sanitary sewers, with grade, pipe size and points of discharge;
- (2) One (1) copy of the preliminary plan for the drainage system, with grade, pipe size and location of outlet;
- (3) One (1) copy of the preliminary plan for the water supply and distribution system, with pipe sizes and location of hydrants; and
- (4) One (1) copy of a description of any proposed fill or other structure – elevating techniques, levees, channel modifications or other methods to overcome flood or related hazards, and a statement describing their impacts on existing development in upstream and downstream areas.

§ 22-203 IMPROVEMENT PLANS.

1. Improvement Plans Required. The owner or subdivider **SHALL**, at the time of his submission of the preliminary plat to the planning commission, also include at least four (4) copies of the improvement plans required by these subdivision regulations. Improvement plans shall include, but not be limited to, plans for the following:

- a. Streets;
- b. Sanitary sewer;
- c. Water;
- d. Drainage;
- e. Erosion and sediment control; and
- f. Utility placement. (Ord. No. 2001-03, 5/8/01)

2. Specifications. Plans shall be drawn at a scale of not more than one-hundred (100) feet to one (1) inch, on twenty-four (24) inch by thirty-six (36) inch sheets, and shall include, but not be limited to, the following:

- a. Plans and profiles showing the locations and typical cross-sections of proposed street improvements, including curbs, gutters, and sidewalks;
- b. The location, size, profile and invert elevations of proposed sanitary sewers, including manholes;
- c. The location and size of proposed water mains, valves, fittings and fire hydrants, including service taps underneath proposed streets;
- d. The location and design of drainage structures, easements or rights-of-way dedicated to the public, including typical cross-sections of all channel improvements and a site grading plan; improvement plans shall be accompanied by drainage calculations in accordance with the adopted standards and regulations for drainage improvements; and
- e. The location of all existing or proposed easements and rights-of-way and typical cross-sections of the proposed utility installations within said easements.

3. Preparation of Plans; Record Plans. Improvement plans shall, as required by law, bear the seal of an engineer registered in the state of Oklahoma. At least three (3) copies of the final “*record plans*” for all improvements shall be submitted to the office of the city clerk, no later than ninety (90) days following completion of all improvements.

4. Erosion and Sediment Control Plans. The plan which shall be submitted with the Preliminary plat must include a DEQ “Notice of Intent” permit and must be in compliance with the following provisions:

- a. Stands of existing trees, as they are to be preserved upon project completion, specifying their locations on the property, shall be shown.
- b. The projected sequence of work represented by the Erosion and Sediment Control Plan, as related to other major items of construction, shall be shown.
- c. Development shall be accomplished so as to minimize adverse effects upon the natural or existing topography and soil conditions and to minimize the potential for erosion. No site shall be graded except in accordance with approved plans to meet foundation, parking and the drainage requirements of these regulations.
- d. Plans for development and construction shall minimize cut and fill operations.
- e. During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills.
- f. Fills shall not encroach upon natural watercourses, their floodplains or constructed channels in a manner so as to adversely affect other properties.
- g. Alteration of land in existing developed areas shall be conducted in such a manner that changes in patterns of natural drainage shall not adversely affect other landowners.
- h. No construction materials or construction by-products shall be discarded in any drainage way or stream.
- i. Land shall be developed in increments of workable size which can be completed during a single construction season. Erosion and sediment control measures shall be coordinated with the sequence of grading, development and construction operations. Control

measures such as hydro-seeding, berms, interceptor ditches, terraces and sediment traps shall be put into effect prior to the commencement of each increment of the development and construction process.

- j. Existing trees shall not be cut or otherwise damaged or destroyed within portions of property to be used for required open space, setback or buffer requirements of the city of Blanchard, Oklahoma, Zoning Ordinance.
- k. In cases where retention of natural trees would create unusual hardship or development problems in open space, setback and buffer areas, planted trees may be required in lieu of preserving existing trees.
- l. No paving with concrete, asphalt or other impervious material within the tree crown zone of trees to be preserved shall be allowed.
- m. Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.

§ 22-204 FINAL PLAT.

1. Purpose. The purpose of the final plat is to create a document for record which accurately describes the subdivided land, both as to accurate dimensions and legal provisions which are pertinent to the subdivision.

2. Application. Following approval of the preliminary plat by the planning commission and the city council, the owner or subdivider shall file a written application with the chairman of the planning commission (or his designated representative on the municipal staff) for final plat approval. The application shall:

- a. Be made on forms available in the office of the city clerk;
- b. Comply in all respects with the preliminary plat, as approved by both the planning commission and the city council (if necessary);
- c. Be accompanied by at least four (4) prints of the proposed plat and either one (1) original linen tracing or a reproduction original of stable polyester base (or stable polyester base film);
- d. Be accompanied by two (2) copies of any proposed restrictive covenants;

- e. Be accompanied by one (1) set of “record” plans for any improvements already completed; and
- f. Be delivered to the planning commission chairman (or his designated representative on the municipal staff), or the city clerk, not less than seven (7) days prior to the planning commission meeting date at which the plat is to be reviewed.

3. Planning Commission Review. Upon receipt of the final plat application and materials, the chairman of the planning commission (or his designated representative on the municipal staff) shall set a date for planning commission review of the final plat and shall notify the owner or subdivider, in writing, of said review date. The planning commission’s review shall be in accordance with the following provisions:

- a. The final plat of the proposed subdivision shall be submitted to the planning commission for final approval within two (2) years of the date on which the preliminary plat was approved by the city council. 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.
- b. The planning commission shall act upon the final plat within forty-five (45) days after its receipt at city hall by the planning commission chairman (or his designated representative on the municipal staff) for final approval. The subdivider shall be notified in writing upon approval or conditional approval of the final plat by the planning commission. If no action on the final plat has been taken within the above specified time, and the applicant does not agree to an extension of time for action, the plat shall be deemed to have been approved. Certification by the city clerk as to the date of the final plat’s submission and the failure of the planning commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.
- c. If the final plat is disapproved by the planning commission, the reasons for such disapproval shall be stated in writing, with reference to specific sections of the Comprehensive Plan or those ordinances or regulations with which the plat does not comply. A copy of this statement shall be sent to the applicant, along with one (1) of the prints submitted by the applicant.
- d. If the plat conforms to all of the requirements provided herein, one (1) copy of the final plat shall be forwarded to the city council for its review, along with the written recommendation of the planning

commission and the signature of the chairman of the planning commission on the approved plat.

- e. No vested rights shall accrue to any plat by reason of preliminary or final approval, until the actual signing of the final plat by the mayor. All requirements, conditions or regulations adopted by the planning commission, applicable to the subdivision (or on all subdivisions generally), shall be deemed a condition for any subdivision prior to the time of signing of the final plat by the chairman of the planning commission. Where the planning commission has required the installation of improvements prior to signing of the final plat, said commission shall not unreasonably modify the conditions set forth in the final approval.

4. City Council Review. The city clerk shall be responsible for placing the subdivision on the agenda of the city council and providing written notice of said date to the chairman of the planning commission and the owner (or his agent) of the subdivision. The city council's review of said subdivision shall be in accordance with the following provisions:

- a. The city council shall approve or disapprove the final plat and notify the subdivider of its action. Such notification shall include specific written references to those portions of the plat which are not in compliance with these or other regulations, if the plat is disapproved.
- b. After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the planning commission with three (3) dark-line prints thereof and file with the city clerk one (1) contact reproducible tracing. The applicant shall file the original tracing and two (2) prints with the McClain County Clerk.

5. Approval Period. The final plat shall be filed in the office of the McClain County Clerk within two (2) years after final approval by the city council; if not filed within such time, said approval shall be considered null and void.

6. Boundary Traverse Closure. Boundary traverse closure data, based on the surveyor's or engineer's calculations thereof, shall be provided to the office of the city clerk at the time of submission of the final plat.

7. Specifications. Final plats submitted to the planning commission shall be neatly drawn in ink on a tracing cloth or reproducible mylar, at a scale of one-hundred (100) feet to one (1) inch (tracts of land in excess of forty-thousand (40,000) square feet may be platted at a scale of two-hundred (200) feet to one (1) inch), from an accurate survey; the plat shall be prepared on

sheets whose dimensions are twenty-four (24) inches by thirty-six (36) inches, or which can be folded to these dimensions. The plat shall have a binding margin of two (2) inches on the left side, and minimum margins of one (1) inch on the right side and one and one-half (1 ½) inches at the top and bottom. The final plat shall bear, or be accompanied by, the following information or materials:

a. (Title Data).

- (1) Name of the subdivision;
- (2) Name of the city, county and state; and
- (3) Location and description of the subdivision, referenced to section, township and range.

b. (Margin Data).

- (1) Map scale, north arrow and date;
- (2) Names and addresses of the developer and the engineer and/or surveyor;
- (3) A key map (on the first sheet in a plat series) showing the location of the subdivision referenced to government section corners, section lines and major streets; when more than two (2) sheets are required for the plat, the key map shall show the sheet number of the sheet for the area included on the sheet;
- (4) Owner's certificate and dedication, signed;
- (5) Surveyor's certificate of survey, signed and his seal;
- (6) Certificate for release of mortgage for any portion dedicated to the public, signed;
- (7) Reference to any separate instruments, including restrictive covenants, filed in the office of the county recorder of deeds, which directly affect the land being subdivided;
- (8) The proper acknowledgements of owners and the consent of the mortgagee to plat restrictions;
- (9) County treasurer's certificate;

- (10) Approval certificate of the planning commission (and the date) over the signature of the planning commission chairman;
- (11) Certificate of the city council's acceptance of ways, easements and public land dedications; and
- (12) Certificate of health department approval, where sanitary sewers are not proposed, signed.

c. (Existing and Proposed Conditions).

- (1) 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 herein specified;
- (2) The boundary lines of the land being subdivided, fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names;
- (3) The lines of all proposed streets, fully dimensioned by lengths and bearings or angles;
- (4) The lines of all proposed alleys; where the length or direction of an alley is not readily discernible from data given for lot and block lines, the length and bearing should be given;
- (5) The widths and names, where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements, which shall be properly located;
- (6) The lines of all proposed lots, fully dimensioned by lengths and bearings or angles, except that where a lot line meets a street line at right angles, the angle or bearing value may be omitted;
- (7) The outline of any property which is offered for dedication to public use, fully dimensioned and marked "*public*";
- (8) Blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "*reserved*" or "*not a part*";

- (9) The location of all building lines, setback lines and easements for public services or utilities, with dimensions showing their location;
- (10) The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns; and
- (11) The location and description of all section corners and permanent survey monuments in or near the tract; reference to at least one (1), and preferably two (2), known survey control points shall be shown by angle and distance.

d. (Floodplain Subdivision Materials).

- (1) All information required on the preliminary plat, including, but not limited to, regulatory flood elevations, boundaries of flood-prone areas, fills, flood protection works and areas subject to special deed restrictions;
- (2) Floodway and floodway fringe areas, as determined by the city;
- (3) Final plans for any sanitary sewers, with grading, pipe sizes and points of discharge;
- (4) Final plans for drainage systems, with grading, impacting, storage and regulating structures, pipe sizes and location of outlets; and
- (5) Final plans for any water supply and distribution system, with pipe sizes and location of hydrants.

§ 22-205 PRE-PLANNING MEETING.

1. Purpose. To facilitate the platting process by allowing the developer to make a presentation of the proposed development and to discuss the particulars of the project with the Planning commission of the city of Blanchard.

2. Notification of Adjacent Property Owners. The developer is required to provide the legal description of the area intended for development and the names and addresses of all property owners within three-hundred (300) feet of the exterior boundaries of the proposed development to the city clerk no later than twenty-four (24) days prior to the date of the pre-planning meeting. A fee of five (\$5.00) dollars per name must accompany the names and addresses. Each property owner listed shall be notified, by certified mail, of the legal description of the proposed development, the fact that the real estate described is being

considered for development, and the time, date and place of the pre-planning meeting. Notified property owners or their agents will be given the opportunity to appear and make comments at the pre-planning meeting.

3. Meeting Agenda. At the meeting, the developer will be required to inform the planning commission about the proposed development and interested property owners owning property within three-hundred (300) feet of the exterior boundaries of the proposed development will be given the opportunity to make comments. The planning commission will be given the opportunity to ask questions of the developer.

4. Planning Commission Action. At the conclusion of the pre-planning meeting, the planning commission will provide instruction to the developer indicating which sections of the SUBDIVISION REGULATIONS OF THE CITY OF BLANCHARD, OKLAHOMA, will be applicable to the proposed development during the platting and development process.

ARTICLE III

SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

- § 22-301 General design principles and standards.
- § 22-302 Streets: general provisions.
- § 22-303 Streets: alignment.
- § 22-304 Streets: cul-de-sacs and dead-end streets.
- § 22-305 Streets: intersections.
- § 22-306 Alleys: easements.
- § 22-307 Streets and alleys.
- § 22-308 Bridges, culverts, and low water crossings.
- § 22-309 Street and regulatory signs.
- § 22-310 Street lights.
- § 22-311 Pedestrianways.
- § 22-312 Easements: utility.
- § 22-313 Easements: drainage.
- § 22-314 Lots.
- § 22-315 Blocks.
- § 22-316 Building lines.
- § 22-317 Public areas.
- § 22-318 Parks, open spaces and natural features.
- § 22-319 Landscaping and natural features.
- § 22-320 Non-residential subdivisions.
- § 22-321 Planned unit development (PUD).
- § 22-322 Improvements required.
- § 22-323 Contractor's bond and insurance.
- § 22-324 Plans required.
- § 22-325 Miscellaneous provisions.

- § 22-326 Monuments and markers.
- § 22-327 Water system.
- § 22-328 Sewage collection and disposal systems.
- § 22-329 Design criteria for sanitary sewers.
- § 22-330 Storm drainage and flood hazard areas.
- § 22-331 Erosion and sedimentation control measures.

§ 22-301 GENERAL DESIGN PRINCIPLES AND STANDARDS.

1. The design of each new subdivision shall be prepared in accordance with the principles established by the Comprehensive Plan for the city of Blanchard, Oklahoma, and with the minimum standards of these and other regulations.

2. The arrangement of lots, blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. The system of sidewalks, roadways and the lot layout should be designed to take advantage of the visual qualities of the area.

§ 22-302 STREETS: GENERAL PROVISIONS.

1. No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from, an existing street, unless such street is:

- a. An existing state or county roadway; or
- b. A street shown upon a plat approved by the planning commission and recorded in the McClain County Clerk's office. Such street or highway must be suitably improved as required by the highway regulations and specifications, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.

2. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided herein.

3. The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the Comprehensive Plan and be designed in accordance with the provisions of these and other applicable regulations.

4. Roads shall be related appropriately to the topography, to promote good drainage and gravity flow sewer system. Local roads shall be curved wherever possible to provide topographic compatibility. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above,

the grades of the streets. A combination of steep grades and curves shall be avoided.

5. All thoroughfares shall be properly related to special traffic generators (such as industries, business districts, schools, churches and shopping centers), to population densities, and to the pattern of existing and proposed land uses.

6. In business and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, the location of rail facilities, the provision of alleys, truck loading and maneuvering areas, walks and parking areas, so as to minimize conflict of movement between the various types of traffic (including pedestrian).

7. Proposed streets shall be extended to the boundary lines of the tract to be subdivided (unless prevented by topography or other physical conditions), unless, in the opinion of the planning commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.

8. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of the proposed future street system for the un-subdivided portion shall be prepared and submitted by the subdivider.

9. No street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the planning commission and the city council.

10. Major streets in the subdivision shall be planned to conform with the major street plan adopted by the city of Blanchard, Oklahoma, and provision shall be made for the extension of major and secondary thoroughfares. Except for courts, places or cul-de-sacs, streets normally shall provide for a reasonable linkage with streets already dedicated in adjoining or adjacent subdivisions, provide for future connections to adjoining un-subdivided tracts, be a reasonable projection of streets in the nearest subdivided tracts, or conform to a Planned Unit Development approved or adopted by the planning commission.

11. 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 through and local traffic.

12. Minor streets shall be laid out so that their use by through traffic will be discouraged.

13. Railroad rights-of-way and limited-access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- a. In residential districts, a buffer strip at least twenty-five (25) feet in depth, in addition to the normal depth of the lot required in the district, shall be provided adjacent to the railroad right-of-way or limited-access highway. This strip shall be part of the platted lots and shall be designated as follows on the plat: *"This strip is reserved for screening. The placement of structures hereon is prohibited."*
- b. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- c. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least one-hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

14. Reserve strips controlling access to minor streets by parties or persons other than public agencies shall be prohibited.

15. Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and provided that the planning commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract which is being subdivided.

16. Whenever the major or minor street is located wholly within the proposed subdivision, the total width of the right-of-way shall be dedicated; whenever the major or minor street is located adjacent to the outer edge of the subdivision, one-half (1/2) of the right-of-way shall be dedicated, if it is determined by the planning commission that it is equitable and feasible from an engineering and design standpoint for the other half of the right-of-way to be dedicated from adjacent property.

17. The finished elevation of proposed streets within the designated floodplain shall be no more than two (2) feet below the level of the one-hundred (100) year flood.

18. The criteria established in the “*STREET DESIGN STANDARDS*” table shall be followed in the layout and design of all major and minor streets.

a. Street Design Standards Table

<u>STREET DESIGN STANDARDS</u>				
<u>Design Elements</u>	<u>MAJOR STREETS</u>		<u>MINOR STREETS</u>	
	<u>Primary Thoroughfare</u>	<u>Secondary Thoroughfare</u>	<u>Collector</u>	<u>Local</u>
Design Speed	40 mph	30 mph	30 mph	25 mph
Grade:				
Maximum	5%	7%	10%	10%
Minimum	0.5%	0.5%	0.5%	0.5%
Stopping Sight Distance	350 ft.	200 ft.	200 ft.	200 ft.
Number of Traffic Lanes	4 (min)	4	2	2
Minimum Paving Thickness:				
Asphalt Section	Structurally Designed		5 in.	5 in *
Concrete	Structurally Designed		6 in.	6 in.
Minimum Right-of-Way Width	100 ft.	80 ft.	60 ft.	60 ft.
Minimum Roadway Width	50 ft.	50 ft.	32 ft.	26 ft.
Curbs & Gutters	Required	Required	Required	Required

- Minor commercial streets shall have a six (6) inch minimum paving thickness.

RESIDENTIAL ESTATES (R-E)

Design Speed	30 mph
Grade:	
Maximum	10%
Minimum	0.5%
Stopping Sight Distance	200 ft.
Number of Traffic Lanes	2
Minimum Paving Thickness:	
Asphalt Section	4 in.
Minimum Right-of-Way Width	60 ft.
Minimum Roadway Width	22 ft.
Curbs & Gutters	Not Required

(Ord. No. 2005-19, 10/25/05)

b. Street Exempted from Improvement Standards (unimproved streets).

Streets initially constructed under circumstances that did not require compliance with the street standards of the subdivision regulations may become a part of the recognized maintenance-supported street system of the city of Blanchard under the following conditions:

- i. The street is not defined as a section line road;
- ii. The street was initially constructed as a private road to provide access to private dwellings;
- iii. The street was constructed prior to annexation into the corporate limits of the city of Blanchard;
- iv. The street right-of-way is no less than fifty (50) feet in width, and the road bed is no less than twenty-two (22) feet in width at any point;
- v. The street is constructed of gravel, oil and chip, blade mix or other limited-life material;
- vi. Base preparation and testing processes are conducted consistent

with the procedures set forth in Article III, §22-302, Paragraph 20, with reports received by the city showing ninety-five (95%) base compaction or application of one-thousand (1,000) tons of rock per mile;

- vii. Tinhorns, bar ditches, and drainage systems are inspected and recommended for acceptance by the street department supervisor; and
- viii. Upon completion of the foregoing requirements, the street is presented for dedication, and is dedicated and accepted by the city upon such conditions as may be imposed by the city council.

c. Unimproved Streets Dedicated and Accepted by the City.

Streets meeting the requirements of Article III, §41, Paragraph 18(b):

- i. will be maintained in the same condition as they were at the time of acceptance by the city;
- ii. the city will not be responsible for improving such streets except as part of a general road improvement plan adopted by the city council;
- iii. improved streets constructed of concrete will not be accepted for maintenance until such streets are found to be in compliance with the street standards for concrete streets set forth in Article 111, §22-302, paragraph 18(a) of the Subdivision Regulations.

19. Drainage Ditches. Streets that do not require curbs and gutters must have grassed drainage ditches located on each side of the street. The shoulders should be gently sloped from the edge of the base to the bottom of the ditch which should be a minimum of one (1) foot below the bottom of the paved surface. (Ord. 2001-05, 11/13/01)

20. Base Preparation and Testing Process.

A. The base material, which will underlay the surface paving, will be composed of material best suited for blending and compacting with the natural land surface. The material selected must be blended with the natural surface material to a depth of at least six (6) inches and compacted to ninety-five (95%). The prepared base must be inspected and approved by the city prior to the laying of the surface paving. For streets that do not require curb and gutter, the compacted base area must extend a minimum of four (4) feet beyond the surface paving on each side.

B. Prior to construction, the developer shall arrange and pay for tests by a pre-qualified certified testing company to determine the compaction and optimum moisture content for all types of soil present at the proposed site. The test results shall be submitted directly to the city of Blanchard and certified to by the testing company.

C. From the test results, the developer shall have its engineer submit a sub-base design based on the soil conditions of the proposed site to the city of Blanchard for review and acceptance. This design shall include the type of stabilized subgrade.

D. All areas of fill are to be compacted to ninety-five (95%) standard proctor density. Engineered fills shall be constructed using a maximum of six (6) inch lifts. For all areas of fill greater than twelve (12) inches, the developer shall provide density tests by a pre-qualified certified testing company. The test results shall be submitted directly to the city of Blanchard and certified to by the testing company.

E. After stabilization and prior to paving, the developer shall provide density tests by a pre-qualified certified testing company. The test results shall be submitted directly to the city of Blanchard and certified to by the testing company. A representative of the city of Blanchard shall determine the location of the tests. Approximately one (1) test shall be taken for every fifteen-hundred (1,500) square yards of stabilized base.

F. After the paving is complete the developer shall provide random core test samples by a pre-qualified certified testing company to be taken to verify thickness and density of the material. The core test results shall be submitted directly to the city of Blanchard and certified to by the testing company. A representative of the city of Blanchard shall determine the location of the tests. Approximately one (1) test shall be taken for every one-thousand two-hundred fifty (1,250) square yards of paving.

G. All test results shall be submitted to the city of Blanchard prior to final acceptance. (Ord. No. 2001-05, 11/14/01)

§ 22-303 STREETS: ALIGNMENT.

1. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties, when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan.

2. Street jogs with centerline offsets of less than one-hundred and fifty (150) feet shall be avoided.

3. A tangent of not less than one-hundred (100) feet in length shall be introduced between reverse curves on major streets and collector streets.

§ 22-304 STREETS: CUL-DE-SACS AND DEAD-END STREETS.

1. The maximum length of a cul-de-sac shall normally be five-hundred (500) feet, including a turnaround which shall be provided at the closed end, with an inside curb radius of at least forty (40) feet and a right-of-way radius of not less than fifty (50) feet. In the Residential Estates (R-E) District, the street accessing a cul-de-sac may be up to one-thousand two-hundred (1,200) feet in length. (Ord. No. 2001-05, 11/13/01)

2. In the case of temporarily dead-ended streets which are incomplete but designed to provide future connection with adjoining un-subdivided areas, proper provisions shall be made for adequate storm drainage so that storm water does not collect at the ends of these streets. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way and the improvements shall be extended to the property line. The planning commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

3. Where a road does not extend to the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the planning commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length, in accordance with the design standards of these regulations.

§ 22-305 STREETS: INTERSECTIONS.

1. Streets shall be laid out to intersect at right angles and may be curved, if necessary, in order to make this possible. In no event shall a street intersect any other street at an angle of less than seventy-five (75) degrees.

2. Street corners on local residential streets shall have a minimum radius of twenty (20) feet at the curb line or its equivalent.

3. Street corners on commercial and industrial streets shall have a minimum radius of twenty-five (25) feet at the curb line or its equivalent.

4. Street intersections involving major streets shall have a minimum street corner radius of thirty (30) feet at the curb line or its equivalent.

5. A twenty-five (25) foot area of clear vision at street intersections in subdivisions shall be provided. This area shall be kept clear of all structures and vegetation exceeding a height of three (3) feet above the established municipal street elevation. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way, to the extent deemed necessary to provide adequate and unobstructed vision.

6. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2%) percent rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

§ 22-306 ALLEYS; EASEMENT.

1. Alleys shall be provided in all commercial and industrial subdivisions, except that the planning commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking, consistent with and adequate for, the uses proposed.

2. Alleys for residential areas, if used, shall not be less than twenty (20) feet in width.

3. Alleys serving commercial and industrial areas shall not be less than thirty (30) feet in width.

4. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall permit safe vehicular movement.

5. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the planning commission.

6. Where alleys are not provided, easements not less than ten (10) feet wide shall be provided along each rear lot line, and alongside 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. Fenced-in easements shall have fences located only on the property line **or** the easement line; all such easements shall have access gates in the fences, and all fences in a block shall be on the same line if the easement is a drainage easement.

7. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) to one (1).

§ 22-307 STREETS AND ALLEYS.

1. The developer of any subdivision designed to be used for residential, commercial 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 standards and specifications of these and other applicable regulations.

2. Streets shall conform in design and layout to the standards and principles contained in this article.

3. Every lot within a subdivision shall have access to a public street. (Private streets, where permitted, must comply with the improvements required of comparable public streets, in accordance with state law.) Driveway installations shall be completed to the street paving edge.

4. Whenever a subdivision contains a street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the street that would equal the cost of an improvement required to serve only the subdivision, as determined by the planning commission and the city council.

5. Streets shall be designed, graded and improved to conform to the design and construction specifications and diagrams contained in these subdivision regulations. Construction plans for all street improvements shall be approved by the city council prior to final plat approval and filing. Special consideration shall be given to design and construction of streets around proposed solid waste, "dumpster" locations.

6. In areas where alleys are required, they shall be constructed in accordance with those standards and requirements which may be established by the planning commission and the city council.

§ 22-308 BRIDGES, CULVERTS, AND LOW WATER CROSSINGS.

1. Bridges and low water crossings of primary benefit to the developer, as determined by the planning commission, shall be constructed at the full expense of the developer without reimbursement from municipal or county government. The sharing of expense, as determined by the planning commission, will be fixed by special agreement between municipal or county government and the developer.

2. Bridges, culverts, or low water crossings shall be provided where watercourses cross continuous streets or alleys, and shall be sized and constructed to accommodate the one-hundred (100) year frequency rain, based on the drainage area involved.

3. Design of bridges, low water crossings and culverts shall conform to municipal or county construction specifications.

§ 22-309 STREET AND REGULATORY SIGNS.

1. Street name signs shall be placed at all intersections, within or abutting the subdivision, by the developer. All such signs shall be approved as to type and location by the planning commission and the city council.

2. The developer shall deposit with the city clerk, at the time of the approval of the final plat for the subdivision, a sum to be based on a current estimate by the municipal building inspector, for each regulatory sign required by the city council at road intersections. The city shall then install all such regulatory signs within the subdivision, unless other arrangements are made by the city council.

§ 22-310 STREET LIGHTS.

Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision, in accordance with the standards and specifications of the city of Blanchard, Oklahoma.

§ 22-311 PEDESTRIANWAYS.

1. The developer of any subdivision, whether residential or non-residential in character, shall request a determination of the need for pedestrian ways from the planning commission, at the time of preliminary plat submission.

2. The planning commission, after reviewing the request, may require that pedestrian ways be constructed and suitably surfaced, to connect with existing or future walkways in the area and provide for adequate pedestrian circulation.

3. The pedestrian ways plan should consider the provision of adequate pedestrian ways within any subdivision or portion thereof, with consideration given to walkway connections in areas adjacent to, or outside of the subdivision. Pedestrian approaches to such focal points as school sites, recreation areas and parks should be provided for, in addition to pedestrian ways for normal circulation.

4. Pedestrian ways shall be designed and located in accordance with the following provisions.

- a. Minimum paving section where sidewalks are required, shall be four (4) feet in width;
- b. Pedestrian ways shall be located within the dedicated, non-pavement, right-of-way of all roads; and
- c. A median strip of grassed or landscaped area, at least two (2) feet wide, shall separate all pedestrian ways from adjacent curbs; at the discretion of the planning commission, alternative designs may be approved.

5. Pedestrian way design and construction shall consider the guidelines for the design and construction of curb ramps for the physically handicapped, contained in the Oklahoma Department of Transportation's "Safety Design Guide for Municipal Street Systems".

§ 22-312 EASEMENTS: UTILITY.

1. Utility easements will be provide for all lots and shall be of sufficient width to accommodate all anticipated utility service lines. The following placement criteria shall be adhered to:

- a. No utility service line shall be placed closer than two and one-half (2 ½) feet to the utility easement boundary.
- b. There shall be four (4) feet of separation space between each utility service line except the separation space between sewer and water lines which shall be a minimum of ten (10) feet.
- c. With the access road serving the property as the starting reference point, the order of the utility service lines placement will be as follows:
 - (1) Telephone;
 - (2) Electric;
 - (3) Natural Gas;
 - (4) Water;
 - (5) Cable Television; and

- (6) Sewer.

As shown by the figures of “*Typical Utility Placement*” contained in these subdivision regulations. Alternate placement sequences may not be permitted without a written request by the applicant and the written approval by the public works director.

- d. Minimum depth requirements for utility main lines will be as follows:

- (1) Telephone - Two (2) feet;
- (2) Electric - Four (4) feet;
- (3) Natural Gas - Two (2) feet;
- (4) Water - Two & one-half (2½) feet;
- (5) Cable Television - Two (2) feet; and
- (6) Sewer - Four (4) feet.

- e. A ditching permit must be obtained from the city clerk prior to the installation of any utility service line. The ditching permit will only be issued after the written approval of the code enforcement officer. The ditching permit must be available for inspection at the construction site until such time as final acceptance of the utility service line is granted by the code enforcement officer. (Ord. No. 2001-03, 5/8/01)

2. In large-lot subdivisions, or where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided alongside lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the final plat.

§ 22-313 EASEMENTS: DRAINAGE.

1. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water or drainage easement, or drainage right-of-way, conforming substantially to the lines of such watercourse, and of such width and/or construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width, for maximum potential volume of flow (calculated in a manner as determined by the provisions of these regulations).

2. Where topography or other conditions are such as to make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the final plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

3. When a proposed drainage system will carry water across private lane outside the subdivision, appropriate drainage rights must be secured and indicated on the Final plat. The city of Blanchard, Oklahoma, will not encourage transfer of a drainage problem onto adjacent property.

4. The applicant shall dedicate, either in fee simple title, or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the planning commission.

5. Low-lying lands along watercourses subject to flooding or overflow during storm periods, whether or not included in areas of dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure, nor for computing the area requirements of any lot.

6. Utility lines shall NOT be located within drainage easements without approval of the planning commission and special floodplain design factors being considered.

§ 22-314 LOTS.

1. Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and health regulations, and in providing driveway access to buildings on such lots from an approved street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on major streets or collector streets.

2. Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations.

3. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.

4. The depth of residential lots, other than lots for townhouses, should not be less than one-hundred (100) feet.

5. The area of residential lots, other than lots for townhouses, shall not be less than six-thousand (6,000) square feet.

6. In subdivisions where septic tanks or other individual sewerage disposal devices are to be installed, the size of all lots included in such subdivision shall be subject to the approval of the county health department. The health department shall notify the developer and the planning commission in writing of its findings.

7. Double frontage and reverse frontage lots shall be avoided, except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

8. Platted lots shall not be required for subdivisions involving rented or leased space for commercial and industrial use, but when provided should be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use. No individual parcel shall be created for a particular commercial or industrial use that has an area, width or depth that is less than is required for the permitted use under the applicable provisions of the zoning ordinance.

§ 22-315 BLOCKS.

1. The dimensions and shape of blocks shall consider the following:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - b. Zoning requirements (lot sizes and dimensions);
 - c. Convenient access, circulation, control and safety of street traffic; and
 - d. Limitations and opportunities of topography.

2. Blocks for residential use shall not be longer than one-thousand eight-hundred (1,800) feet, measured along the center line of the block.

3. Pedestrian ways or crosswalks, not less than four (4) feet wide or more than ten (10) feet in width, may be required by the planning commission through the center of blocks more than eight-hundred (800) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

4. 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 for off-street parking and loading facilities.

§ 22-316 BUILDING LINES.

1. Building lines shall be provided for all residential subdivisions, in accordance with the setback requirements of the zoning ordinance.

2. A side yard building line shall be provided not less than five (5) feet back of a crosswalk right-of-way line on the side of a lot abutting a midblock crosswalk or pedestrian way.

3. Where there is found to be a producing oil or gas well which is in or within one-hundred and fifty (150) feet of the boundaries of the proposed subdivision, or an abandoned oil or gas well which is not adequately plugged according to the standards established by state law and the Oklahoma Corporation Commission (and so certified by said corporation commission) and which is outside of the boundaries of a proposed subdivision but within one-hundred and fifty (150) feet thereof, there shall be a building setback line placed on the plat so as to prevent the erection of any building within one-hundred and fifty (150) feet of such wells. Where there is found to be an abandoned oil or gas well which is adequately plugged according to the standards established by state law and the Oklahoma Corporation Commission, which well is within the boundaries of a proposed subdivision, certificate or clearance from the Oklahoma Corporation Commission shall be obtained for each such well before the Final plat of the subdivision is approved.

§ 22-317 PUBLIC AREAS.

1. Except when an applicant utilizes Planned Unit Development provisions, whenever a tract to be subdivided includes a school, recreational uses (in excess of the requirements of §22-314, above), or other public use as indicated in the Comprehensive Plan or any portion thereof, such space shall be suitable incorporated by the applicant into his preliminary plat. After proper determination of its necessity by the planning commission and the appropriate

local official or other agency involved in the acquisition and use of such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.

2. The planning commission shall refer the proposal to the public body concerned with acquisition for its consideration and report. The planning commission may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired, and an estimate of the time required to complete the acquisition.

3. Upon receipt of an affirmative report, the planning commission shall notify the property owner and designate on the preliminary and final plats that area proposed to be acquired by the public body.

4. The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve (12) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a site plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development, in accordance with these regulations.

§ 22-318 PARKS, OPEN SPACES AND NATURAL FEATURES.

1. Where, as indicated by the Comprehensive Plan, a proposed subdivision contains, wholly or in part, a proposed public open space (parks, recreation areas, etc.), the following requirements shall apply.

- a. In subdivisions containing eighty (80) acres or more, the subdivider shall make a dedication of suitable land for public purposes of not less than two (2%) percent of the total land area of the subdivision.
- b. In subdivisions containing less than eighty (80) acres, the Planning Commission shall require the dedication of one (1%) percent of the total land area, or shall require the payment of a fee equal to the market value of one (1%) percent of the total land area of the subdivision. Such fee is to be deposited in a fund reserved and expended for park facilities and improvements only.
- c. In lieu of either of the above standards, the subdivider may elect to retain two (2%) percent of the total land area, to be designated as park or open spaces, etc., such land to be maintained by the subdivider or by agreement of the purchasers of lots (i.e.,

“Homeowner’s Association”) in the subdivision (formal agreement required).

- d. In no case will the subdivider dedicate land for public parks and open spaces unless the city of Blanchard, Oklahoma, agrees to accept and maintain such parks or open spaces.

2. Existing natural or man-made features which would add value to residential development or to the city of Blanchard, Oklahoma, as a whole, such as tree masses, water-courses, landmarks, historic sites and similar irreplaceable assets, shall be preserved in the design of the subdivision, whenever possible. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted and a “Notice of Intent” from the DEQ has been submitted to the city clerk. All trees on the plat required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. The preliminary plat shall show the estimated number of existing trees and shall further indicate the location of all those marked for retention, as well as the location of all proposed shade trees along the street side of each lot.

3. New trees provided in new subdivisions shall be approved by the planning commission and shall be planted in accordance with all municipal regulations. Only long-lived trees, acceptable to the planning commission, shall be planted, consistent with the Comprehensive Plan.

4. The preliminary plat and final plat shall include an easement authorizing the local government to plant shade trees within five (5) feet of any required access or right-of-way; this provision may be waived at the option of the planning commission.

§ 22-319 LANDSCAPING AND NATURAL FEATURES.

1. Existing natural features which would add value to residential development (such as trees or watercourses) shall be considered for preservation in the design of the subdivision. No trees shall be removed from any proposed subdivision, nor any change of grade of the land made, until the Planning commission has approved the Preliminary plat.

2. All trees, etc. to be preserved, shall be shown on the preliminary plat.

3. All trees shall be welled and protected against change of grade, wherever necessary.

4. New trees and landscaping to be provided by the developer, shall be subject to review and approval by the Planning commission, in accordance with the city's beautification policies and plans.

5. Applicable provisions of the city's code of ordinances shall be considered.

6. New developments shall include plans for design of screened-in "dumpster" areas to be integrated with street and parking facilities.

§ 22-320 NON-RESIDENTIAL SUBDIVISIONS.

1. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall be made according to such provisions as the planning commission may require.

2. A nonresidential subdivision shall be subject to all of the requirements of the zoning ordinance, as well as such additional standards as may be required by the planning commission.

3. In addition to the principles and standards in these regulations, the applicant shall demonstrate to the satisfaction of the planning commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated, and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- a. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development appropriate, desired or anticipated;
- b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon;
- c. Special requirements may be imposed with respect to street, curb, gutter and sidewalk design and construction;
- d. Special requirements may be imposed with respect to the installation of public utilities, including water, sewer and storm water drainage;
- e. Every effort shall be made to protect adjacent areas from the potential nuisance of a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and

provisions for a permanently-landscaped buffer strip when necessary; and

- f. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

§ 22-321 PLANNED UNIT DEVELOPMENT.

Whenever a subdivision is developed as a Planned Unit Development under the appropriate provisions of the zoning ordinance, wherein adequate park or recreational 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 design requirements of these regulations, 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 entire community. In no case, however, shall the overall density, intensity of use or land area coverage for the Planned Unit Development exceed those minimums established in the zoning ordinance for the district in which such uses would normally be located.

§ 22-322 IMPROVEMENTS REQUIRED.

1. Any final plat or subdivision located within the municipal and regional planning commission's jurisdiction shall not be approved unless the developer or subdivider shall provide the improvements specified in this article, or file surety bonds with the city clerk to insure the actual construction and maintenance of such improvements, according to the principles and standards approved by the city council, and contained in these and other applicable Regulations.

2. No building permit shall be issued for any lot prior to the construction of all offsite improvements as are required by the city of Blanchard, Oklahoma, and which have been accepted by the city council of Blanchard, Oklahoma.

3. Prior to, and as a pre-requisite for, the issuance of a building permit for a residential or commercial building, on lots located in the original townsite of Blanchard, Oklahoma, the municipal building inspector shall determine that the property is accessible by a presently open, hard-surfaced public street or a private drive connecting to a presently open, hard-surfaced public street.

- a. In cases where the property does not adjoin a presently open, hard-surfaced public street, but does adjoin a dedicated street right-of-way over which a hard-surfaced street has not been constructed, no building permit shall be issued for construction on such property

until such time as there has been construction of a hard-surfaced public street.

- b. The city council of the city of Blanchard, Oklahoma, may, as a condition of the issuance of such a building permit, require the construction of a hard-surface roadway over said right-of-way to such specifications as it deems necessary, given the nature of the area and use expected. Nothing in this Article shall be construed as authorizing construction in said right-of-way without a formal opening of such right-of-way by the city council.

§ 22-323 CONTRACTOR'S BOND AND INSURANCE.

The subdivider/developer shall guarantee to complete all improvements required by these regulations and other ordinances in a manner satisfactory to the city engineer. To secure this surety, the subdivider/developer shall provide one of the following guarantees:

1. Commercial Surety Performance and Payment Bond. The subdivider/developer shall obtain a security bond from a surety bonding company authorized to do business in the state of Oklahoma. The bond shall be filed with the city clerk and shall be payable to the city of Blanchard. The amount of the bond shall be at one-hundred (100%) percent of the entire cost of construction, as estimated by the subdivider's/developer's engineer and approved by the city engineer, of installing all specified improvements. The duration of the bond shall be until such time as the improvements are accepted by the city council in accordance with Section 22-325.

2. Cash or Escrow Account. The subdivider/developer shall deposit cash, or other instrument readily convertible into cash at face value, either with the city of Blanchard or in escrow with a bank. The use of any instrument other than cash, and, in the case of an escrow account, the bank must agree to accept said deposit subject to the terms and conditions of an escrow agreement, the form and substance of which shall be subject to the approval of the city attorney. The amount of the deposit shall be at one-hundred (100%) percent of the entire cost of the construction, as estimated by the subdivider's/developer's engineer and approved by the city engineer, of installing all required improvements. If a bank escrow account is used, the subdivider/developer shall file with the city clerk an agreement between the financial bank, the city of Blanchard and himself guaranteeing the following:

- a. that the funds of said escrow account shall be held in trust until released by the city council when the obligation is complete and may not be used or pledged by the subdivider/developer as security in any other matter during that period; and

- b. that in the case of a failure, as determined by the city council, on the part of the subdivider/developer to complete said improvements, the bank shall immediately make the funds in said account available to the city for use in the completion of those improvements.

3. Inspections and Certifications. The city engineer, or other qualified designee of the city manager, shall inspect for defects in the construction of the required improvements. Upon completion of the improvements, the city engineer shall file with the city council, either a Certificate of Completion certifying that the improvements have been completed in accordance with the Blanchard Design Criteria and Technical Specifications or a statement that the improvements are defective, listing the defects. Upon completion of the improvements, the subdivider/developer and his engineer shall file with the city council “as-built” construction plans and a statement stipulating the following:

- a. that are required improvements are complete;
- b. that the subdivision improvements are in compliance with these subdivision regulations and the Blanchard Design Criteria and Technical Specifications;
- c. that the subdivider/developer knows of no defects in the improvements;
- d. that the subdivision improvements are free and clear of any encumbrance or lien;
- e. that all fees for supervision and inspection of all water, sewer, drainage, paving, etc. shall be paid to the city of Blanchard prior to any inspections and in accordance with the following schedule:

<u>Est. Cost of Construction</u>	<u>Percentage Fee</u>
Up to \$2,000.00	3.5%
Next \$3,000.00 (\$2,001 - \$5,000)	3.0%
Next \$5,000.00 (\$5,001 - \$10,000)	2.5%
Next \$15,000.00 (\$15,001 - \$25,000)	2.0%
Next \$25,000.00 (\$25,001 - \$50,000)	1.5%
Over \$50,000.00	1.0%

4. As-Built Construction Plans. Five (5) sets of as-built construction plans, certified and signed by a registered engineer shall be filed with the city planner prior to the acceptance by the city council of any improvement installed by the subdivider/developer.

5. Improvements Acceptance or Forfeiture. The Blanchard City Council shall formerly accept, by resolution, any or all improvements, upon written recommendation from the planning commission, before such improvements become public property, provided that all statements and agreements specified above have been received and that as-built construction plans have been submitted. The maintenance bond shall begin with the approval by the city council and shall be provided to the city as indicated in Subsection 6 below.

No building permits shall be issued nor shall municipal utility services be extended to any lot or portion of the subdivision where improvements have not been completed, dedicated and accepted.

If the city council determines that any portion of the required improvements are not acceptable for dedication as outlined above within two (2) years, either for reasons of incompleteness or for substandard construction, the city council shall declare whatever security has been pledged as a guarantee to be forfeited. Upon declaring such security to be forfeited, the city council shall go into possession of said security and use it to complete the subdivision improvements or the reconstruction of such improvements to the proper specifications. Any unused portion of these securities shall be returned to the subdivider/developer, the bonding company, or crediting institution as is appropriate. In the event the security is not sufficient to complete or reconstruct such improvements to the proper specification, the subdivider/developer shall be liable any additional funds necessary to complete or reconstruct such improvements to the proper specifications.

6. Maintenance Bonds. Regardless of the type of surety selected by the subdivider/developer to assure completion of the subdivision improvements, the subdivider/developer shall, prior to the date that the city council accepts said improvements, deliver to the city a maintenance bond from a company legally qualified to issue such maintenance bond within the state of Oklahoma. The bond shall be filed with the city planner, approved by the city attorney and shall be payable to the city of Blanchard. The amount and duration of the bonds shall be as follows:

a.	<u>Water/Sewer/Drainage</u>	<u>Percentage</u>
	1 st Year:	100%
	2 nd Year:	50%
b.	<u>Paving</u>	<u>Percentage</u>
	1 st Year:	100%
	2 nd Year:	50%
	3 rd Year:	25%

[Ord. No. 662, 10/24/17; Ord. No. 675, 5/22/18]

§ 22-324 PLANS REQUIRED.

1. Plans for the improvements required by this article shall be prepared by a certified professional engineer, as required by state law.

2. One (1) set of “*record plans*” and specifications, certified and signed by an engineer registered in the state of Oklahoma, shall be filed with the city clerk, prior to the acceptance by the city council of any improvements installed by the subdivider, consistent with state law.

§ 22-325 MISCELLANEOUS PROVISIONS.

1. All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets, and to create continuity of improvements for the development of adjacent properties.

2. The construction and installation of all improvements required by these rules and regulations shall be completed within two (2) years of the date of approval of the final plat by the planning commission, unless good cause can be shown for the granting of an extension of time by authority of the planning commission or the city council.

3. All utility facilities, including but not limited to, gas, electricity, telephone, and CATV cables, shall be located underground within the subdivision. Wherever existing facilities are located above ground, except where such facilities are located on public roads or rights-of-way, they may be removed and placed underground. Underground service connections to the street property line of each platted lot shall be installed at the developer’s expense. At the discretion of the planning commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use. After installation of such lines, “*as installed*” diagrams shall be furnished by the installer to the municipal building inspector, drawn to scale and indicating the location of all lines.

4. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations.

- a. All applicable provisions of state statutes;
- b. The Official Comprehensive Plan, the adopted Zoning Ordinance, building and housing codes and all other applicable laws of the city of Blanchard, Oklahoma;
- c. The special requirements of any rules and regulations of the state health department and/or other appropriate state agencies;

- d. The rules and regulations of the Oklahoma Department of Transportation if the subdivision or any lot contained therein abuts a State highway or connecting street; and
- e. The standards and regulations adopted by the city council and all boards, commissions, agencies and officials of the city of Blanchard, Oklahoma, including the adopted policies and resolutions adopted by the Blanchard Municipal Improvement Authority.

§ 22-326 MONUMENTS AND MARKERS.

1. The developer of any subdivision shall install, within that subdivision, permanent reference monuments and markers, placed flush with the ground, in accordance with the provisions of this section.

2. All monuments and markers shall be properly set in the ground and approved by a registered land surveyor, prior to the time the planning commission recommends approval of the final plat.

3. Existing monuments or markers shall not be disturbed, unless absolutely necessary, in which case the monuments or markers shall be replaced at the exact spot from which they were removed.

4. The location of all monuments and markers (existing and new) shall be included on the final plat.

5. Three (3) types of monuments and markers shall be used for different situations. The following specifications shall be applicable to each type of situation:

- a. (Type "A") Permanent reference monuments shall be placed at the intersection of the centerlines of rights-of-way, regardless of whether the paving of the street is centered in the right-of-way. There shall be a minimum of one (1) such monument in each subdivision, with an additional such monument required for each twenty (20) acres over the first twenty (20) acres. If no two (2) of the intersection monuments are within line-of-sight of each other, an additional marker shall be placed on the right-of-way centerline, so as to establish a straight line which can be seen (line-of-sight) from one (1) end to the other. An additional such marker shall be placed at the center-point of the turnaround in each cul-de-sac.

These monuments shall be of non-corrosive metal plate, set in accordance with the accompanying diagram, and each shall be stamped with a cross at the point of intersection and the elevation to the nearest tenth of a foot.

- b. (Type “B”). Permanent reference markers shall be placed at each turning point in the external boundary of the subdivision, to be set in concrete in accordance with the diagram below.
- c. (Type “C”). Permanent reference markers shall be placed at:
 - (1) each corner of each block;
 - (2) each corner of each lot;
 - (3) the points of curvature and points of tangency of all inside and outside rights-of-way lines;
 - (4) the point of intersection of the outside line of a curve in a street right-of-way; and
 - (5) on all Quarter Section points within the subdivision or on its perimeter, to be set in unexcavated earth.

§ 22-327 WATER SYSTEM.

1. The developer shall install water lines and fire hydrants in accordance with the standards and specifications of these and other applicable regulations. In no case shall the use of flexible PVC pipe or any rigid plastic with a wall thickness and strength of less than ASA Standard Schedule 40, be allowed.

2. Action shall be taken by the developer to extend or create a water supply system capable of providing domestic water use and fire protection. This system shall provide an adequate supply of potable water to every lot in the subdivision.

3. Fire hydrants shall be required for all subdivisions except those approved for low-density zoning districts in which individual wells are to be used. Fire hydrants shall be located no more than six-hundred (600) feet apart and within five-hundred (500) feet of any structure. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

4. Where a public water main is within thirteen-hundred and twenty (1,320) feet, the developer shall install adequate water facilities (including fire hydrants), subject to the specifications of state or municipal requirements. All water mains shall be at least six (6) inches in diameter. (Ord. No. 2000-02, 4/11/00)

5. Water main extensions shall be approved by appropriate government agencies.

6. To facilitate the above, the location of all fire hydrants, all water supply improvements and the boundary lines of any proposed districts, indicating all improvements proposed to be served, shall be shown on the Preliminary plat, and the cost of installing same shall be included in the improvement bond to be furnished by the developer.

7. In subdivisions approved by the planning commission for low-density zoning districts, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the Oklahoma State Department of Health for its approval, and individual wells and central water systems shall be approved by the Oklahoma State Department of Health.

8. If the planning commission requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements (including the provision of necessary easements) for future water service at the time the plat receives final approval. Improvement or cash bonds may be required to insure compliance.

9. Locator wires shall be placed at each meter and valve along all water lines.

10. Lines shall be buried a minimum depth of forty-eight (48) inches.

11. Oklahoma State Department of Health requirements for parallel or crossing water and sewer line installations are hereby adopted by reference.

12. All fire hydrants and valve boxes to be set to proposed final grade with steamer nozzle a minimum of 15 inches above ground level. All fire hydrants to have a cast iron lead.

13. When crossing streets, driveways subject to heavy traffic, alleys and structures, etc., pipe shall be installed with sand backfill. Pipe to be installed in accordance with city specifications at all other locations.

14. All staking for alignment and grade will be done under the supervision of a registered professional engineer or a registered land surveyor. Grade stakes will be marked and cut sheets will be furnished to the city inspector on the project prior to construction.

15. Unless specifically authorized all gate valves are to be located at P.C. or P.T. of street curb. When fire hydrants are required they shall be located within five (5') feet of gate valves.

§ 22-328 SEWAGE COLLECTION AND DISPOSAL SYSTEMS.

1. In accordance with the standards and specifications of these and other applicable regulations, the subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible, as determined by the city's code of ordinances or the planning commission. If a public sanitary sewer is placed in a street or alley abutting any property, the owner thereof shall be required to connect to said sewer for the purpose of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system, consistent with the code of ordinances for the city of Blanchard, Oklahoma.

2. Whenever a sanitary sewer is not reasonably accessible, septic tanks or other unit disposal systems may be used, provided that such systems comply with the requirements of the Oklahoma State Department of Health and are not located within twenty (20) feet of the lot line of the lot on which the system is located. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of five (5) years, the applicant may install sewage systems as follows:

- a. Medium-Density Residential Districts: Central sewerage system only; no individual disposal systems will be permitted. Where plans exist for a public sewer system to be built in a greater period than five (5) years, the applicant shall install all sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer main.
- b. Low-Density Residential Districts: Individual disposal systems or central sewerage systems may be used; however, easements for future use shall be included on the final plat.

3. All sanitary sewer improvements shall be designed by an engineer registered in the state of Oklahoma, and shall be approved by the city council, the planning commission, the Oklahoma State Department of Health and other appropriate agencies. Sanitary sewer design shall be in accordance with the design criteria for sanitary sewers in this article. In no case shall the use of flexible PVC pipe or any rigid plastic pipe with a wall thickness and strength of less than ASA Standard Schedule 40, be allowed. Locator wires shall be placed at all main connections.

4. When required or proposed improvements correspond with recommended improvements contained in the city's Comprehensive Plan, or

other approved sanitary sewer report or document, said facility shall be designed in accordance with said plan or report; all appropriate policies and plans of the Blanchard Municipal Improvements Authority shall also be followed.

5. When an improvement required by the Comprehensive Plan, or other approved sanitary sewer report or document, exceeds the capacity needed to serve the proposed development, the city of Blanchard, Oklahoma, may participate in the excess cost of such facility, in accordance with said city's adopted utility extension policies.

6. In Low and Medium Density Residential Districts, where a public sanitary sewerage system is reasonably accessible, and will become available within a reasonable time (not to exceed five (5) years), the developer may choose one of the following alternatives:

- a. (Central Sewerage System). (Maintenance cost to be assessed against each property benefited.) Where plans for future public sanitary sewerage systems exist, the developer shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
- b. (Individual Disposal Systems). The developer shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made, in addition to allowing the use of individual systems on each site. As a condition of building permit approval on each housing unit in such an area, sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

7. Sewer collection and disposal systems in High Density Residential and Non-Residential Districts shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by local officials and approving agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations and guidelines of the city of Blanchard, Oklahoma, and the Oklahoma State Department of Health.

8. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of

the zoning ordinance, and percolation tests and test holes shall be made as directed by the municipal's building official and the results submitted to the health department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment devices, shall also be approved by the municipal's building official, and be in accordance with the state statutes.

§ 22-329 DESIGN CRITERIA FOR SANITARY SEWERS.

1. These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the city council.

2. Design Factors. Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current regulations and reports, where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste, together with an adequate allowance for infiltration and other extraneous flow.

3. Maximum Size. The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the planning commission.

4. Minimum Size. No public sewer shall be less than eight (8) inches in diameter, except that the use of a six (6) inch diameter sewer may be permitted in situations where it cannot be extended and no more than four-hundred (400) feet will be installed in any one (1) place.

5. Velocity of Flow. All sewers shall be designed and constructed with hydraulic slopes sufficient to give mean velocities, when flowing full, of not less than two (2.0) feet per second (based on Kutter's or Manning's formula, using an "n" value of 0.013). Use of other practical "n" value will be approved for the longer pipe sections, if deemed justifiable on the basis of research or field data presented. The following are the minimum slopes which should be provided, especially where the depth of flow may be small, and are desirable minimums in all parts of the system:

Under special conditions, if full and justifiable reasons are given, slopes slightly less than those required for the two (2) foot per second velocity when full, may be permitted. Such decreased slopes will only be considered where the depth of flow will be 0.3 of the diameter or greater for design average flow. Whenever such decreased slopes are selected, the Engineer must furnish with his report his computations of the depths of flow in such pipes at minimum, average and peak rates of flow. It is recognized that such flatter grades may cause additional sewer maintenance expense and odor nuisance. The selection of the size of pipe

shall be determined on the basis of the most desirable flow characteristic obtainable.

6. Alignment. All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the planning commission or the city council.

7. Manhole Location. Manholes shall be installed at the end of each line, at all changes in grade, size or alignment, at all intersections, and at distances not greater than four-hundred (400) feet for sewers fifteen (15) inches and smaller, and five-hundred (500) feet for eighteen (18) inches in diameter and larger.

8. Manholes. The difference in elevation between an incoming sewer and the manhole invert shall not exceed twelve (12) inches except where required to match crowns. The use of drop manholes will require approval by the local government engineer. The minimum inside diameter of the manholes shall conform to those specified by the city council or the planning commission. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

9. Sewerage Locations. Sanitary sewers shall be located within street or alley rights-of-way, unless topography dictates otherwise. When located in easements on private property, access shall be available to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley rights-of-way, where possible. Imposed loading shall be considered in all locations. Not less than six (6) feet of cover shall be provided over the top of the pipe in street and alley rights-of-way or three (3) feet in all other areas.

10. Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer, which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells and other water supply sources and structures.

11. Relation of Sewers to Water Mains. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. All state department of health requirements relevant to this relationship are hereby adopted by reference.

12. General Notes for Pre-Cast Manholes.
- a. All precast components shall be reinforced with their respective ASTM specifications (C-478).
 - b. All joints shall have approved rubber rings.
 - c. All lifting holes shall be repaired with a mixture of cement and sand grout firmly packed.
 - d. The interior surfaces of manhole and cone sections shall be coated with two (2) coats of inertol or approved equal.
 - e. The minimum compressive strength of the concrete in manhole and cone sections shall be four-thousand (4,000) PSI.
 - f. Cement used in the construction of precast reinforced concrete manholes shall conform to the requirements of the standard specifications for portland cement (ASTM designation: C 150).
 - g. The minimum shell thickness for precast concrete reinforced manholes shall be:
 - (1) At a depth of zero (0) to sixteen (16) feet. (0 to 4.9m)
 - (a) One-tenth (1/10) internal shell diameter or four (4) inches (10 cm.), whichever is greater.
 - (2) At a depth of sixteen (16) feet or greater (4.9m).
 - (a) One-twelfth (1/12) internal shell diameter or five (5) inches (13 cm.), whichever is greater.
 - h. Any precast reinforced concrete section which has been damaged in transit or on site such that the water tightness of the section has been affected adversely shall NOT be utilized in the construction of the manholes.
 - i. Materials for concrete used for manhole bases shall conform, as a minimum, to the following current specifications:
 - (1) Portland Cement – ASTM C 150
 - (2) Aggregate for mortar – ASTM C 144
 - (3) Fine and coarse aggregate – ASTM C 33

Water: clean and free from deleterious substances. Total water content of concrete shall not exceed 6.5 gallons (54.2 l) of water per one-hundred (100) pounds (100 lbs.) of cement in the mix.

- j. The base shall be poured of a minimum 3,000 PSI (20.684 kn/sm) concrete with a maximum slope of four (4) inches (10 cm), vibrates or tamped. The base shall have a minimum diameter eight (8) inches (20 cm) greater than the outside diameter of the manhole. The base shall have a minimum eight (8) inch (20 cm) thickness beneath the manhole wall.
- k. The invert flow channel shall be formed during or immediately after the pouring of the manhole base and brush finished as soon as the concrete has sufficiently set. The flow channel through manholes shall be made conform to shape and in slope to that of the sewers. Sewer pipe, with the top half removed, shall be laid through the manhole whenever possible.

The inside bottom of the manhole shall rise a minimum of one (1) inch per foot (8.3 cm/m) from the side of the pipe or the flow channel to the wall of the manhole. Dips or projections capable of holding water or solid materials will not be permitted. The concrete shall set for twenty-four (24) hours before any pipe inside the manhole is trimmed.

- l. All sewers constructed of rigid or semi-rigid pipe extending from all manholes shall be encased with concrete for a distance of three (3) feet (0.9m) from the outside wall of the manhole. This support may be deleted if a flexible, watertight gasket is used to connect the sewer to the manhole. No support is required for sewers constructed of flexible pipe.
 - m. The interior surface of all brick and concrete manhole walls shall receive two (2) coats of inertol (block sewer type paint) or equal. A minimum of twenty-four (24) hours shall elapse between coats.
13. General Notes for Fiber-Reinforced Polyester Manholes.
- a. Materials for concrete used for manhole bases shall conform, as a minimum, to the following current specifications:
 - (1) Portland Cement – ASTM C 150
 - (2) Aggregate for mortar – ASTM C 144

(3) Fine and coarse aggregate – ASTM C 33

Water: Clean and free from deleterious substances. Total water content of concrete shall not exceed 6.5 gallons (54.2 l) of water per one-hundred (100) pounds (100 kg) of cement in the mix.

- b. The base shall be poured of a minimum three-thousand five-hundred (3500) PSI (24,131 kn/sm) concrete with a maximum slump of four (4) inches (10cm), vibrated or tamped. The base shall have a minimum diameter of sixteen (16) inches greater than the outside diameter of the manhole.
- c. The invert flow channel shall be formed during or immediately after the pouring of the manhole base and brush finished as soon as the concrete has sufficiently set. The flow channel through manholes shall be made to conform in shape and in slope to that of the sewers. Sewer pipe, with the top half removed, should be laid through the manhole whenever possible.
- d. All sewers constructed of rigid or semi-rigid pipe extending from all manholes shall be encased with concrete for a distance of three (3) feet (0.9m) from the outside wall of the manhole. This support may be deleted if a flexible watertight gasket is used to connect the sewer to the manhole. No support is required for sewers constructed of flexible pipe.
- e. Fiber reinforced polyester manholes shall conform to ANSI/ASTM D-3753.
- f. TC 202 Mastic sealant, or approved equal, shall be used to seal between the reinforced concrete top and the barrel.
- g. Interior surface of concrete top shall receive two (2) coats of inertol (black sewer type) paint. A minimum interval of twenty-four (24) hours shall elapse between coats.
- h. Entry pipes shall be connected to the manhole by means of a fiber reinforced molded connector bonded to the barrel and a rubber sleeve, or the manhole may be placed over a through pipe by means of cut-outs in the manhole wall. Seal pipe entry with P.C. mortar and a manhole water stop gasket.
- i. Manholes shall be backfilled with select material uniformly placed in twelve (12") inch lifts and mechanically compacted.

- j. This manhole is standard for sewer pipe thirty-six (36") inch or less.
- k. Fiber reinforced polyester manholes shall have a clear inside diameter of forty-eight (48") inch and a minimum wall thickness of 0.10 inch fiber reinforcing; shall be commercial grade "E" type glass of chopped roving; shall be fungicide treated, unsaturated isophthalic polyester. The cured compound shall have a minimum barcal hardness of forty (40) per ASTM D2583, and a minimum flexural strength of eleven-thousand (11,000) PSI per ASTM D790, finished surfaces shall be relatively smooth with no sharp projections, free of crazing, delaminations, blisters larger than one-half (½") inch, and excessive fiber show. Fiber reinforced polyester manholes shall be marked with the manufacturer's name and applicable ASTM standards. A manufacturer's certification to the effect that all applicable ASTM standards are met for fiber reinforced polyester manholes to be installed shall be provided to the city prior to installation.
- l. Fiber reinforced connectors shall be bonded to the manhole barrel by an approved adhesive. Closure between the entry pipe and connector shall be by means of a rubber sleeve and two type 301 stainless straps conforming to ASTM C594.

14. General Notes:

- a. All construction and materials shall be in accordance with the current specifications.
- b. Sharp edges resulting from fabrication shall be dulled by any acceptable method for safety in handling.
- c. Covers shall be gray iron conforming to the requirements of AASHTO M-105, Class 35B or ASTM A-48-76, Class 35B. Frame shall be gray Iron conforming to the requirements of AASHTO M-105, Class 30B or ASTM 4-48-76, Class 30B. Ferrous castings shall be of uniform quality, free of blowholes, porosity, hard spots, shrinkage, distortion or other defects. They shall be smooth and well cleaned by shot blasting or other approved cleaning method.
- d. All castings shall be manufactured true to pattern, component parts shall fit together in a satisfactory manner. Where indicated, machined surfaces shall be furnished.
- e. Weights are approximate and average deviation from the weights shown shall not exceed five (5%) percent plus or minus.

- f. Castings shall be unpainted.
 - g. No wording or markings of any kind, other than those shown on the plan, will be permitted on these castings.
 - h. All type "A" installations shall have self-sealing feature as shown.
15. Catch Basins.
- a. All catch basins not constructed within a separately poured gutter shall be separated from the pavement and curb by boxing out around basin as shown above. Expansion joint material shall extend completely through curb and slab. Manhole castings within the pavement limits shall be boxed in like manner except when telescoping type castings are used.
 - b. When a joint falls within five (5) ft. of or contacts basins, manholes, or other structures, shorten one or more panels either side of opening to permit joint to fall on round structures and at or between corners of rectangular structures.
 - c. All transverse joints must extend through curbs and must be continuous across pavement, except tied transverse construction joints. Expansion joints will not be required except at structures or as shown on the plans.
 - d. Maximum transverse joint spacing shall be in accordance with the following table:
 - e. All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or tamped shall be removed as directed and replaced with suitable material placed and compacted. The subgrade shall be thoroughly compacted to ninety-five (95%) percent standard density with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum (AASHTO T98). All sewer trenches and structure excavations shall be backfilled to natural or finished grade as soon as conditions permit. All backfill shall be compacted with mechanical tampers in layers of not over six (6) inch loose material. In order to prevent differential heave the backfill material shall be the same material as that of the subgrade adjacent to the trench.
 - f. The minimum compressive strength of P.C. Concrete Paving shall not be less than three-thousand five-hundred (3500) psi @ twenty-eight (28) days. The maximum size aggregate shall not exceed one-quarter ($\frac{1}{4}$) of the slab thickness. The maximum size aggregate shall

not exceed three (3) inches. All concrete shall be air entrained in accordance with the following table:

§ 22-330 STORM DRAINAGE AND FLOOD HAZARD AREAS.

1. 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.

2. For the purpose 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 a defined channel;
- b. A minor tributary is any drainage channel having a drainage basin of six-hundred and 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; and
- d. A river is any channel having a drainage basin of greater than twenty-five (25) square miles.

3. Responsibility for drainage shall 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 the rate or quantity of runoff in any minor or major tributary, or river, which results from the development of the subdivision; and
 - (5) Provision for the maintenance of all floodway and floodway-fringe areas of major tributaries and rivers which have not been dedicated to the public.

- b. The city and other levels of governments will be responsible for the following:
 - (1) The improvement of floodways of major tributaries;
 - (2) The improvement of river floodways; and
 - (3) The maintenance of floodway and floodway-fringe areas dedicated to the public.

4. Flood hazard areas are designated on the official zoning district map of the city of Blanchard, Oklahoma. The boundaries of all floodway and floodway-fringe areas and zoning districts shall be designated on the preliminary and final plats and shall be clearly marked.

5. For all areas not otherwise designated in a floodway or floodway-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 areas affected by runoff resulting from development of the 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, 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; and
- c. The calculation of stream flow and runoff characteristics of the subdivision shall be carried out in consultation with the planning commission and the city council, 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 the rational formula.
 - (2) The size of closed storm sewers, open channels, culverts and bridges shall not be less than that determined by using the Manning Formula.

6. All floodways located within the subdivision shall be designated by the developer as “*flowage or drainage easements*” and shall be maintained as permanent open space for private recreation or agriculture for which no buildings or structures are required, or dedicated to the public for drainage, recreation and utility use, or used in accordance with the appropriate provisions of the city's zoning ordinance.

7. All floodway-fringe areas shall be planned for uses which are permitted in the appropriate district of the zoning ordinance, and in no case shall the proposed use or construction cause a displacement of flood water in the floodway-fringe that will increase flooding in other areas of the floodway or floodway-fringe.

8. When it is determined by the planning commission that the development of the subdivision will significantly increase runoff 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 effects of the development:

- a. 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;
- b. 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;
- c. 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;
- d. 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; or
- e. Culverts, bridges and other drainage structures shall be constructed in accordance with the specifications of the City at all locations where drainage channels intersect with continuous streets or alleys.

9. All minor tributary and surface drainage channels located within the subdivision shall be improved in accordance with the standards set forth in the illustrations on the following pages, or other equivalent standards, as determined by the municipal building inspector. The last drainage channel illustration 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 to carry a one-hundred (100) year maximum flood, shall be designed for self-cleaning and care 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.

10. Enclosed storm sewers may be required by the city council where special or unusual conditions make open channels hazardous or otherwise unfeasible.

11. 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 (2) adjacent lots.

12. 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.

13. 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.

14. Closed storm sewers shall be constructed of pre-cast or pre-fabricated pipe or built in place of closed box design to conform with municipal construction specifications to serve a one-hundred (100) year frequency rain for the drainage area involved.

15. Open, paved storm drainage channels shall be constructed in accordance with Municipal construction specifications. Side slopes above the paved section shall be shaped and sodded on a slope of four (4) horizontal to one (1) vertical, or flatter. 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. Hand-laid rip-rap may be substituted for sodded shoulders where desired.

16. The city of Blanchard, Oklahoma, reserves the right to require (a) improvements, (b) the provision of drainage easements and (c) the provision of agreements beyond the boundaries of the subdivision, to facilitate flow of water through the addition, to avoid probability of lawsuits, based on damage from changed runoff in the subdivision and to provide continuous improvements of the overall storm drainage system. 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. Backsloping, sodding and/or rip-rapping of bank; or
- g. Construction of closed or open, paved, storm sewers for the purposes of closing gaps or continuation of the overall storm sewer system.

17. Property owner agreements, where required, shall be designed to protect the city from possible law suits for damage caused by changed runoff conditions.

18. 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 planning commission may require the construction of one (1) 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 city's engineer. The construction and maintenance of retention reservoirs shall be the responsibility of the developer.

§ 22-331 EROSION AND SEDIMENTATION CONTROL MEASURES.

A. Purpose: It is the intent of this regulation to protect the general health, safety, and welfare of the public from the hazards and damages resulting from storm water runoff. The measures expressed in this section will provide guidance in the design of effective management of erosion and sedimentation.

B. General Requirements:

1. These regulations shall be applied to all subdivision improvements and to all building construction projects within the city limits.

2. It shall be the responsibility of the developer/owner to control the storm water characteristics of the area downstream. No increase in the volume of water or sediment released from a construction site, as compared to historical conditions, will be permitted.

3. All erosion and sedimentation control measures shall be included with the improvement plans submitted with the preliminary plat application for a multiple tract development, or in the case of a structure on a single tract, with the building permit application. In the case of a single residential structure, if in the opinion of the code enforcement officer of the city of Blanchard, the runoff from the construction site will not adversely affect the adjacent properties, no runoff control plans will be required.

4. Development activity shall not be conducted unless appropriate erosion and sedimentation facilities are designed, installed and maintained throughout the life of the development.

5. All new or existing earth slopes and earth areas subject to erosion, such as areas adjacent to trickle channels, inlet structures and outlet structures, within any area designed for detention or drainage shall be slab sodded with Bermuda sod or have permanent established growth of vegetation. All vegetation areas shall be fertilized watered and in an established growing condition prior to completion or acceptance of any storm water drainage facility or development.

C. Design Considerations:

1. Combination of Design Principles: Practical combinations of the following Principles shall be utilized, as a minimum, in planning measures to be installed for any land disturbing activity:

- a. The land disturbing activity shall conform to existing topography and soil type so as to create the lowest possible erosion potential.
- b. The disturbed area and the duration of exposure of bare earth to erosive elements shall be kept to a minimum through construction scheduling and management.
- c. Cut and fill operations should be kept to a minimum.
- d. Disturbed soil shall be stabilized as quickly as possible.
- e. Vegetative practices shall be applied as permanent erosion controls

wherever possible.

- f. Natural vegetation shall be retained, protected and supplemented whenever feasible.

2. General Practice:

- a. Soil and water conservation measures include, but are not necessarily restricted to, vegetation, sediment basins, dikes, grade stabilization structures, sediment traps, land grading, diversions, waterways or outlets and riprap.
- b. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
- c. Required permanent vegetation and structural erosion control measures shall be installed prior to final acceptance of municipal improvements or issuance of a certificate of occupancy on a private construction project.

D. Erosion and Sediment Control Criteria:

1. Long-Term Controls: Long term permanent seeding, sprigging, or planting which produces vegetative cover, including Bermuda grass, Kentucky 31 tall fescue and weeping love grass, or a similar grass approved by the city engineer, shall be used for permanent control of erosion.

2. Short-Term Controls:

- a. Short-term seeding, producing vegetative cover such as small grains like rye, oats, wheat, and sorghum, shall be used to control immediate erosion. This practice shall be considered effective for areas where soil is left exposed for a period of six (6) to twelve (12) months and shall not be considered appropriate as permanent erosion control.
- b. A straw bale may be utilized where no other practice is feasible, as a temporary barrier with a life expectancy of three (3) months or less. It should be installed across or at the tow of slow for the contributing drainage area, in accordance with the adopted standards.
- c. Erosion matting shall be used for permanent channel embankment and slope stabilization where a permanent erosion control cover has not been established prior to use. The specified material shall be installed as recommended by its manufacture and approved by the city engineer.

3. Required Structures. A stabilized construction entrance shall be built in accordance with the adopted standards to eliminate the tracking or flowing of sediment onto public right of way, adjacent public or private property and into any waterway or body of water. (Ord. No. 2004-17, 9/14/04)

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168	1973-1	5/15/73	Public Service Co. of OK - franchise	Sp. Ord.
169	1973-2		<i>Missing from Sleeve</i>	
170	1973-3	12/4/73	Authorization of Expenditures	Sp. Ord.
171	1973-4	1/8/74	Trust indenture	Sp. Ord.
172	1974-1	1/8/74	Minimum lot size in C-2	9.3 (Prior Code)
173	1974-2	3/5/74	Law of maint. and lic. of dogs	Sp. Ord.
174	1974-3	5/7/74	Zoning Ordinance	NC
176	1975-1	10/7/75	Zoning Ordinance	NC
177	1975-2	11/4/75	Zoning Ordinance	NC
178	1976-1	2/3/76	Sales Tax Ordinance of 1976	Sp. Ord.
179	1976-2	7/13/76	Zoning Ordinance	NC
180	1976-3	6/1/76	Zoning Ordinance	NC
181	1976-4	10/5/76	Codification of Ordinances 1976	Codification
182	1976-5	12/7/76	Zoning Ordinance	NC
183	1976-6	12/7/76	Annexation	NC
184	1977-1	6/7/77	Annexation	NC
185	1977-2	9/6/77	Zoning Ordinance	NC
186	1977-3	11/1/77	Carnivals, Parades, Tent Shows	5-8 (Prior Code)
187	1977-4	12/6/77	Municipal fines & cost	12-33 (Prior Code)
188	1977-5	1/3/78	Vehicle inspection stickers	1, 2, 3 (Prior Code)
189	1978-1	1/6/78	Water rates	18-25 (Prior Code)
190	1978-2	1/6/78	Water meter deposits	18-3 (Prior Code)
191	1978-3	2/16/78	Annexation	NC
192	1978-4	3/2/78	Building permit fees	4-14 (Prior Code)
193	1978-5	3/7/78	Annexation	NC
194	1978-6	4/4/78	Annexation	NC
195	1978-7	4/4/78	Oil and Gas Drilling	1, 2, 3 et al (Prior Code)
196	1978-8	5/2/78	Water meter deposits	18-3 (Prior Code)
197	1978-9	5/2/78	Annexation	NC

198	1978-10	5/2/78	City sales tax	1-05; 1-81; 1-82 (Prior Code)
199	1978-11	6/6/78	Cemetery board	6-2 to 6-6 (Prior Code)
200	1978-12		<i>Missing from Sleeve</i>	
201	1978-13	11/9/78	Assessing excise tax 1%	Sp. Ord.
202	1978-14	10/3/78	Flood Hazard Regulations	
203	1978-15	11/14/78	\$20 max penalty /lic. Atty. Appointed judge	12-33 (Prior Code)
204	1978-16	12/5/78	Provisions for collection of garbage	
205	1978-17	10/3/78	Pension for municipal employees	Sp. Ord.
206	1979-1	1/9/79	Mutual Aid / law enforcement	1, 2, 3 (Prior Code)
207	1979-2	3/6/79	Day care permitted	6.21 (Prior Code)
208	1979-3	3/6/79	Annexation	NC
209	1979-4	3/6/79	Annexation	NC
210	1979-5	9/11/79	Planning Commission created	16-1 (Prior Code)
211	1979-6	9/11/79	Operate comm. Antenna TV system	NC
212	1979-7	9/11/79	Water meter deposits	18-3 (Prior Code)
213	1979-8	9/11/79	Mutual Aid / law enforcement	Sp. Ord.
214	1980-1	4/10/80	Annexation	NC
215	1980-2	6/26/80	Zoning Ordinance	NC
216	1980-3	12/6/80	Oil and Gas Drilling	1, 2, 3 (Prior Code)
217	1981-1	1/10/81	Salary of mayor	1-2 (6) (Prior Code)
218	1981-2	1/10/81	Councilmen not to get compensation	1-11 (Prior Code)
219	1981-3	1/10/81	Increasing excise tax	8 (Prior Code)
220	1981-4	4/28/81	Special election	Sp. Ord.
221	1981-5	4/28/81	Special election / water system	Sp. Ord.
222	1981-6	5/9/81	Creation of Public works	1-52 (Prior Code)
223	1981-7	7/7/81	Creation of cemetery board	6-1 to 6-3 (Prior Code)
224	1981-8	7/7/81	Adopting Title 47 of OK statutes	
225	1981-9	7/7/81	Curfew for minors	14-12 (Prior Code)
226	1981-10	8/4/81	Water meter deposits	18-3 (Prior Code)
227	1981-11	8/4/81	License fees of oil and gas drilling	5-12 (Prior Code)
228	1981-12	8/4/81	Annexation	NC
229	1981-13	9/8/81	Building permit fees	4-14 (Prior Code)
230	1981-14		<i>Missing from Sleeve</i>	
231	1981-15		<i>Missing from Sleeve</i>	
232	1981-16	11/10/81	Zoning Ordinance	NC
233	1981-17	11/10/81	Judge's salary	12-9 (Prior Code)
234	1982-1	4/6/82	De-annexation	NC
235	1982-2	6/15/82	Annexation	NC
236	1982-3	7/6/82	TV Connection charges	Sp. Ord.
237	1982-4	7/6/82	Water rates	18-25 (Prior Code)
238	1982-5	7/6/82	Refuse service charges	Sp. Ord.
239	1982-6	7/6/82	Rates for sewer users	Sp. Ord.

240	1982-7	8/10/82	Permits of Business and occupations	5-9 (Prior Code)
241	1982-8	10/5/82	Fines	Sp. Ord.
242	1982-9	10/5/82	City clerk and treasurer duties	1-14 (Prior Code)
243	1982-10		<i>Missing from Sleeve</i>	
244	1983-1	6/21/83	Water rates	Sp. Ord.
245	1983-2	6/21/83	Water rates	Sp. Ord.
246	1983-3	7/5/83	Rate for non-users of municipal water	Sp. Ord.
247	1983-4	6/21/83	Planning Commission allowance	Sp. Ord.
248	1983-5	6/21/83	Purchase in excess of \$2,500.00	7-33 (Prior Code)
249	1983-6	9/26/83	Wastewater treatment system	1-53 (Prior Code)
250	1984-1	1/3/84	Public utilities	Sp. Ord.
251	1984-2	1/3/84	Discharging firearms	14-35 (Prior Code)
252	1984-3	2/78/84	Fluoride in public water supply	Sp. Ord.
253	1984-4	6/19/84	Subdivision regulations improvements	4-02 (Prior Code)
254	1984-5	2/21/84	Platting	(Prior Code)
255	1984-6	2/28/84	Annexation	NC
256	1984-7	3/6/84	Annexation	NC
257	1984-8	3/6/84	Annexation	NC
258	1984-9	3/6/84	Mobile home	4-51 (Prior Code)
259	1984-10	3/6/84	De-annexation	NC
260	1984-11	3/20/84	Uses permitted upon review	16.13 (Prior Code)
261	1984-12	3/20/84	Day care center permitted	(Prior Code)
262	1984-13	5/1/84	Zoning Ordinance	NC
263	1984-14		<i>Missing from Sleeve</i>	
264	1984-15	6/19/84	City Clerk, treasurer and accountant	1-14 (Prior Code)
265	1984-16	9/4/84	Improvements	4-02 (Prior Code)
266	1984-17	10/2/84	Improvements	4-02 (Prior Code)
267	1985-1	1/8/85	Zoning Ordinance	NC
268	1985-2	1/22/85	Zoning Ordinance	NC
269	1985-3	3/19/85	Street Improvements	4-14.1 (Prior Code)
270	1985-4	4/16/85	Vacate a tract of land	NC
271	1985-5	7/16/85	Zoning Ordinance amendments	4-51 (Prior Code)
272	1985-6	7/16/85	Annexation	NC
273	1985-7	9/17/85	Sewer user charge / winter consumption	Sp. Ord.
274	1985-8	11/19/85	Transfer of cemetery records	Sp. Ord.
275	1985-9	12/3/85	Refuse user rates	Sp. Ord.
276	1986-1	1/7/86	Upgrade municipal court fine levels	2 to 20 (Prior Code)
277	1986-2	1/7/86	Zoning Ordinance	NC
278	1986-3	1/7/86	Zoning Ordinance	NC
279	1986-4	1/7/86	Prohibition of use of dumpsters	9-5 (Prior Code)
280	1986-5	4/1/86	Dual users / sewer	Sp. Ord.
281	1986-6	4/15/86	Zoning Ordinance	NC

282	1986-7	5/13/86	Improvements	4-02 (Prior Code)
283	1986-8	6/3/86	Zoning Ordinance	NC
284	1986-9	7/1/86	Refuse charges	Sp. Ord.
285	1986-10	7/1/86	Sewer use charge	Sp. Ord.
286	1986-11	8/5/86	Obscene material	5-16 (Prior Code)
287	1987-1	6/2/87	Codification Blanchard Code	Codification
288	1987-2	11/3/87	Zoning Ordinance	NC
289	1987-3	12/1/87	Deannexation	NC
290	1987-4	12/1/87	Preservation Board et al	1-44; 1-45; 1-47 et al (Prior Code)
291	1987-5	12/1/87	Creation of Public Works	1-49 (Prior Code)
292	1988-1	1/5/88	Deannexation	NC
293	1988-2	6/6/88	Annexation	NC
294	1988-3	6/6/88	Traffic Violations	11-11 (Prior Code)
295	1988-4	7/12/88	Reserve Police Officer	1-30(7) (Prior Code)
296	1988-5	8/2/88	Admin & Mgmt City Clerk	1-27 (Prior Code)
297	1988-6	12/6/88	City council meetings	1-13 (Prior Code)
298	1989-1	6/15/89	Annexation	NC
299	1989-2	8/8/89	Mandatory use of water system	16-16 (Prior Code)
300	1989-3	10/10/89	Traffic Violations Bureau	11-11 (Prior Code)
301	1989-4	12/12/89	3% excise tax on storage	1-105 (Prior Code)
302	1989-5	12/12/89	Park Board	1-46 (Prior Code)
303	1990-1	2/13/90	Fair housing	5-15; 5-16 (Prior Code)
304	1990-2	2/13/90	Compensation of Judges	11-6 (Prior Code)
305	1990-3	2/13/90	Municipal personnel	1-38 (Prior Code)
306	1990-4	2/13/90	Charges for fire calls	7-11 (Prior Code)
307	1990-5	4/19/90	Reserve Police Organization	1-30 (Prior Code)
308	1990-6	7/10/90	Alt and acting Judge	1-31 (Prior Code)
309	1990-7	7/10/90	Operating Community TV Antenna system	Sp. Ord.
310	1990-8	8/14/90	Traffic Violations Bureau	11-11 (Prior Code)
311	1990-9	8/14/90	Charges for solid waste	16-65 (Prior Code)
312	1990-10	12/11/90	Cleaning and mowing of property	12-23 (Prior Code)
313	1990-11	12/11/90	Duties & Powers/Planning Commission	15-6 (Prior Code)
314	1991-1		<i>Missing from Sleeve</i>	
315	1991-2	3/12/91	Use of Sewer System / Sewer Taps	16-40 (Prior Code)
316	1991-3	5/21/91	Failure to pay utility bills / penalty	16-200 (Prior Code)
317	1991-4	7/11/91	Zoning and land use control	15-13 (Prior Code)
318	1991-5	8/29/91	Annexation	NC
319	1991-6	11/12/91	Deannexation	NC
320	1992-1	3/10/92	Park board	1-46 (Prior Code)
321	1992-2	6/9/92	Zoning Ordinance	NC
322	1992-3	6/9/92	Purchasing and Sales Procedures	1-65 (Prior Code)

323	1992-4	6/9/92	Gross receipts tax / power, light, elec.	1-98 (Prior Code)
324	1992-5	7/14/92	Ward Boundaries Established	20-1 (Prior Code)
325	1992-6	7/14/92	Zoning Ordinance	NC
326	1992-7	12/8/92	Agriculture	11 et al (Prior Code)
327	1993-1	5/19/93	Multi jurisdictional law enforcement	1-29 (Prior Code)
328	1993-2	6/8/93	Probationary period of one year	7-1 (Prior Code)
329	1993-3	8/10/93	Solid waste collection charges	16-65 (Prior Code)
330	1993-4	8/10/93	Water service rates	16-18 (Prior Code)
331	1993-5	8/10/93	Sewer user charge	16-43 (Prior Code)
332	1993-6	9/14/93	Driveway permit	4-22 (Prior Code)
333	1994-1	1/11/94	Defendant failure to appear	11-22 (Prior Code)
334	1994-2	2/8/94	Use of dumpsters by non-authorized persons	16-66 (Prior Code)
335	1994-3	3/8/94	Pot belly pigs	3-4 (Prior Code)
336	1994-4		<i>Missing from Sleeve</i>	
337	1994-5	8/9/94	1% sales tax	Sp. Ord.
338	1994-6	8/9/94	Uses permitted upon review/public hrg.	16-6 (Prior Code)
339	1994-7	9/13/94	Light industrial district	11-21 (Prior Code)
340	1994-8	9/13/94	Authorizing uses permitted on review	16-6 (Prior Code)
341	1994-9	9/13/94	Day care center	6-23 (Prior Code)
342	1995-1	1/10/95	Sold waste collection and disposition	16-65 (Prior Code)
343	1995-2	5/9/95	Annexation	NC
344	1995-3	5/9/95	Zoning Ordinance	NC
345	1995-4	5/9/95	Annexation	NC
346	1995-5	5/9/95	Annexation	NC
347	1995-6	6/13/95	Annexation	NC
348	1995-7	7/11/95	Annexation	NC
349	1995-8	7/11/95	Annexation	NC
350	1995-9	7/11/95	Zoning Ordinance	NC
351	1995-10	9/12/95	Compensation of Judges	11-6 (Prior Code)
352	1995-11	9/12/95	Costs upon judgment of convictions	11-24 (Prior Code)
353	1995-12	9/12/95	Penalties / traffic violations bureau	11-35 (Prior Code)
354	1995-13	10/10/95	Disturbing peace by use of motor veh.	18-52 (Prior Code)
355	1996-1	2/13/96	Waiving Utility Deposits	16-18 (Prior Code)
356	1996-2	12/10/97	Est. Water Rates and Fees	Sp. Ord.
357	1996-3	12/7/97	Scheduling monthly council meetings	1-13 (Prior Code)
358	1997-1	4/8/97	Water tap fees	16-16 (Prior Code)
359	1997-2	6/10/97	Zoning Ordinance	NC
360	1997-3	6/10/97	Zoning Ordinance	NC
361	1997-4	7/8/97	Special Election	Sp. Ord.
362	1997-5	8/12/97	Codify Zoning Ordinance	1-1 to 1-10 (Prior Code)
363	1997-6	8/12/97	Free Standing Mobile Homes	10-3 (Prior Code)
364	1997-7	8/12/97	Zoning Ordinance	NC

365	1997-8	10/16/97	Emergency Management Director	1-40 (Prior Code)
366	1997-9	10/16/97	Zoning Ordinance	NC
367	1997-10	12/9/97	Zoning Ordinance	NC
368	1997-09	12/9/97	Zoning Ordinance	NC
369	1997-12	12/9/97	Zoning Ordinance	NC
370	1998-1	4/14/98	Zoning Ordinance	NC
371	1998-2	4/14/98	Zoning Ordinance	NC
372	1998-3	4/14/98	Zoning Ordinance	NC
373	1998-4	4/14/98	Zoning Ordinance	NC
374	1998-5	4/14/98	Zoning Ordinance	NC
375	1998-6	4/14/98	Reserve Police Organization	1-30
376	1998-7	5/13/98	Zoning Ordinance	NC
377	1998-8	10/13/98	New set of subdivision regulations	All of subdiv regs (Prior Code)
378	1998-9	10/13/98	Zoning Ordinance	NC
379	1998-10	12/8/98	Annexation	NC
380	1998-11	12/8/98	Bonding requirements of officers	1-175 (Prior Code)
381	1998-12	12/8/98	Zoning Ordinance	NC
382	1998-13	12/8/98	Zoning Ordinance	NC
383	1999-1	3/9/99	Zoning Ordinance	NC
384	1999-2	3/9/99	Annexation	NC
385	1999-3	4/13/99	De-annexation	NC
386	1999-4	6/8/99	House numbering system	4-76 (Prior Code)
387	1999-5	6/8/99	Spray Paint Cans by Minors	13-27 (Prior Code)
388	1999-6	6/8/99	Illegal sale of cigarettes & tobacco	13-22 to 13-26 (Prior Code)
389	1999-7	6/8/99	Temp res use of travel trailers	10-3 (Prior Code)
390	1999-8	6/8/99	Prohibit vehicles in excess of two axles	18-51 (Prior Code)
391	1999-9	8/10/99	Zoning Ordinance	NC
392	1999-10	8/10/99	Zoning Ordinance	NC
393	1999-11	10/13/99	Reg fees for electricians, plumbers, mech	4-79 (Prior Code)
394	1999-12	10/13/99	Zoning Ordinance	NC
395	1999-13	11/9/99	Costs upon judgment of convictions	11-24 (Prior Code)
396	1999-14	11/9/99	Min rear yard setback for R-1, R-2, R-3	602 (Prior Code)
397	1999-15	11/9/99	Cabinet Trim Shop	301; 603 (Prior Code)
398	2000-1	3/13/00	RE Provisions	602 (Prior Code)
399	2000-2	4/11/00	General design standards for water system	66 (Prior Code)
400	2000-3	5/9/00	Zoning Ordinance	NC
401	2000-4	5/18/00	Zoning Ordinance	NC
402	2000-5	5/18/00	Zoning Ordinance	NC
403	2000-6	5/18/00	Remove manufacture homes from R-1/R-2	602.2 (Prior Code)
404	2000-7	5/18/00	Area & Height Regs for A-1	601.3; 602-3 (Prior Code)
405	2000-8	6/20/00	2000 Codification of Ordinances	Sp. Ord.
406	2000-9	6/20/00	Est. Rates for solid waste collection	Sp. Ord.

407	2000-10	6/20/00	Est rates for water rates	Sp. Ord.
408	2000-11	6/20/00	Annexation	NC
409	2000-12	11/14/00	Amend scrivener's errors	1-1, 1-7, 601.3, et al (Prior Code)
410	2000-13	11/14/00	Pre-Planning Meeting	34 (Prior Code)
411	2001-1	2/13/01	Increase court costs/CLEET fees	11-11 (Prior Code)
412	2001-2	5/8/01	Zoning Ordinance	NC
413	2001-3	5/8/01	Improvement Plans	32 (Prior Code)
414	2001-4	7/24/01	Annexation	NC
415	2001-05	11/13/01	Cul-de-sacs lengthened, res estates et al	41
416	2001-6	12/11/01	Residential Estates revision	602.3-4, 602.3-5 (Prior Code)
417	2002-1	5/21/02	Zoning Ordinance	NC
418	2002-2	5/13/02	Annexation	NC
419	2002-3	6/17/02	Utility trunk line const. cost reimb.	16-181 (Prior Code)
420	2002-4	6/17/02	Recoupment of street construction costs	17-13, 17-14 & 17-15 (Prior Code)
421	2002-5	6/25/02	Solid waste collection by third party	16-60 (Prior Code)
422	2002-6	6/25/02	Purchasing and sales procedures	1-65 (Prior Code)
423	2002-7	6/25/02	Competitive bidding	1-66 (Prior Code)
424	2002-8	7/2/02	Est. commercial trash rates	16-65 (Prior Code)
425	2002-9	11/20/02	S-1 Suburban district	600 (Prior Code)
426	2002-10	11/12/02	Zoning Ordinance	NC
427	2002-11	12/10/02	Annexation provisions and requirements	104.1 (Prior Code)
428	2002-12	12/10/02	Zoning classifications for annexed areas	104.1 (Prior Code)
429	2002-13	12/10/02	Zoning Ordinance	NC
430	2002-14	12/10/02	Zoning Ordinance	NC
431	2003-1	1/14/03	Amending Zoning Ordinance	901-903 (Prior Code)
432	2003-2	1/14/03	Planned Unit Development District	605 (Prior Code)
433	2003-3	1/14/03	Boat marine storage, Travel or rec. veh.	603 (Prior Code)
434	2003-4	2/11/03	Zoning Ordinance	NC
435	2003-5	2/11/03	Exterior Walls	603 (Prior Code)
436	2003-6	3/11/03	Zoning Ordinance	NC
437	2003-7	5/13/03	Zoning Ordinance	NC
438	2003-8	7/8/03	Zoning Ordinance	NC
439	2003-9	9/9/03	Charges for fire calls	7-11 (Prior Code)
440	2003-10	10/6/03	Zoning Ordinance	NC
441	2003-11	11/11/03	Zoning Ordinance	NC
442	2003-12	11/25/03	Oil and Gas Drilling	Chapter 14 (Prior Code)
443	2003-13	12/30/03	Zoning Ordinance	NC
444	2004-1	1/13/04	Permitted Uses within comm zones	603.2 (Prior Code)
445	2004-2	1/29/04	Zoning Ordinance	NC
446	2004-3	2/10/04	Water and sewer tap fees	16-16; 16-40 (Prior Code)
447	2004-4	2/10/04	water rates in and outside of Blanchard	Sp. Ord.

448	2004-5	2/10/04	Fees for bldg permits, plan review et al	4-15 (Prior Code)
449	2004-6	4/13/04	Sewer impact fee	16-40 (Prior Code)
450	2004-7	4/14/04	Signs	410 (Prior Code)
451	2004-8	6/8/04	Zoning Ordinance	NC
452	2004-9	6/8/04	Annexation	NC
453	2004-10	6/8/04	Annexation	NC
454	2004-11	6/8/04	Annexation	NC
455	2004-12	6/8/04	Annexation	NC
456	2004-13	6/8/04	Annexation	NC
457	2004-14	7/13/04	Change of R-2 name	602 (Prior Code)
458	2004-15	8/10/04	Zoning Ordinance	NC
459	2004-16	8/10/04	Zoning Ordinance	NC
460	2004-17	9/14/04	Erosion and Sediment Control Measures	70 (Prior Code)
461	2004-18	10/26/04	Side yard setbacks on corner lots	602 (Prior Code)
462	2004-19	10/12/04	Zoning Ordinance	NC
463	2004-20	10/12/04	Zoning Ordinance	NC
464	2004-21	10/12/04	Zoning Ordinance	NC
465	2004-22	10/29/04	Non Collusion amount to 25,000.00	310-9 (Prior Code)
466	2004-23	10/9/04	Zoning Ordinance	NC
467	2004-24	10/9/04	Zoning Ordinance	NC
468	2004-25	10/9/04	Zoning Ordinance	NC
469	2004-26	12/14/04	Zoning Ordinance	NC
470	2004-27	12/14/04	Zoning Ordinance	NC
471	2004-28	12/14/04	Zoning Ordinance	NC
472	2004-29	12/14/04	Zoning Ordinance	NC
473	2004-30	12/14/04	Pioneer Long Distance - non-excl franchise	Sp. Ord.
474	2005-1	1/11/04	Zoning Ordinance	NC
475	2005-2	1/11/04	Fireworks	720 (Prior Code)
476	2005-3	2/1/05	1/2% city excise tax	Sp. Ord.
477	2005-4	2/1/05	Amend Ord. No. 1994-05 - 1% sales tax	Sp. Ord.
478	2005-5	3/8/05	Zoning Ordinance	NC
479	2005-6	3/8/05	Zoning Ordinance	NC
480	2005-7	5/10/05	Zoning Ordinance	NC
481	2005-8	5/10/05	Zoning Ordinance	NC
482	2005-9	5/10/05	Change of R-2 name	201; 602 (Prior Code)
483	2005-10	5/24/05	Flood Damage Prevention	New Article 1 (Prior Code)
484	2005-11	6/14/05	R2 Min Side Yard Setback - correction	602 (Prior Code)
485	2005-12	6/14/05	Signs	410 (Prior Code)
486	2005-13	6/14/05	Zoning Ordinance	NC
487	2005-14	8/9/05	Zoning Ordinance	NC
488	2005-15	8/9/05	Zoning Ordinance	NC
489	2005-16	9/27/05	Zoning Ordinance	NC

490	2005-17	9/27/05	Rear Yard setback in R-2	602 (Prior Code)
491	2005-18	10/11/05	De-annexation	NC
492	2005-19	10/25/05	Streets exempted/improvement standards	410 (Prior Code)
493	2005-20	11/8/05	Zoning Ordinance	NC
494	2005-21	11/8/05	Zoning Ordinance	NC
495	2005-22	12/13/05	Termination of 1% sales tax (1994-05)	Sp. Ord.
496	2005-23	12/13/05	Zoning Ordinance	NC
497	2005-24	12/13/05	Zoning Ordinance	NC
498	2005-25	12/13/05	Zoning Ordinance	NC
499	2005-26	12/13/05	Zoning Ordinance	NC
500	2005-27	1/10/06	Zoning Ordinance	NC
501	2006-1	1/10/06	Zoning Ordinance	NC
502	2006-2	1/10/06	Zoning Ordinance	NC
503	2006-3	2/14/06	Zoning Ordinance	NC
504	2006-4	2/14/06	Zoning Ordinance	NC
505	2006-5	2/14/06	Ground signs	603 (Prior Code)
505	2006-6	2/14/06	Mobile homes in A-1	601-3 (Prior Code)
506	2006-7	2/14/06	Copies of records/Inspection of Public Rec	1-183 (Prior Code)
507	2006-8	2/28/06	Closing Public Alleyway in block 68	Sp. Ord.
508	2006-9	2/28/06	Side Yard setback in RE	602 (Prior Code)
509	2006-10	3/28/06	Zoning Ordinance	NC
510	2006-11	3/28/06	Zoning Ordinance	NC
511	2006-12	3/28/06	Zoning Ordinance	NC
512	2006-13	3/28/06	Zoning Ordinance	NC
513	2006-14	3/28/06	Zoning Ordinance	NC
514	2006-15	4/11/06	Zoning Ordinance	NC
515	2006-16	4/11/06	Zoning Ordinance	NC
516	2006-17	4/11/06	Zoning Ordinance	NC
517	2006-18	4/11/06	Purchasing and sales procedures	1-65 (Prior Code)
518	2006-19	5/9/06	Zoning Ordinance	NC
519	2006-20	5/9/06	Zoning Ordinance	NC
520	2006-21	6/1/06	Waiver of rezoning fee (if in S-1)	901 (Prior Code)
521	2006-22	6/13/06	Zoning Ordinance	NC
522	2006-23	7/11/06	Zoning Ordinance	NC
523	2006-24	8/8/06	Sewer tap fees and serv initiation fee	16-40 (Prior Code)
524	2006-25	8/8/06	Area & Height Regs for R-3	602 (Prior Code)
525	2006-26	9/12/06	Zoning Ordinance	NC
526	2006-27	9/12/06	Commercial users of water and sewer	16-18 (Prior Code)
527	2006-28	11/12/06	Vicious animals	3-1; 3-4 (Prior Code)
528	2006-29	10/10/06	Const cost reimb. for water towers, lift et al	16-181 (Prior Code)
529	2006-30	10/10/06	Zoning Ordinance	NC
530	2006-31	10/10/06	Water service rates	Sp. Ord.

531	2006-32	11/14/06	Model codes for building and construction	4-1 (Prior Code)
532	2006-33	11/30/06	De-annexation	NC
533	2007-1	1/2/07	Sales Tax Ordinance of 2007	Sp. Ord.
534	2007-2	1/9/07	Zoning Ordinance	NC
535	2007-3	1/9/07	Zoning Ordinance	NC
536	2007-4	1/9/07	Zoning Ordinance	NC
537	2007-5	2/13/07	Prohibit Jake Brakes	18-53 (Prior Code)
538	2007-6	2/27/07	Zoning Ordinance	NC
539	2007-7	3/13/07	Quail Haven Water Assessment District	Sp. Ord.
540	2007-8	3/13/07	Zoning Ordinance	NC
541	2007-9	3/13/07	Zoning Ordinance	NC
542	2007-10	3/13/07	Zoning Ordinance	NC
543	2007-11	5/8/07	Zoning Ordinance	NC
544	2007-12	11/13/07	Zoning Ordinance	NC
545	2007-13	11/13/07	Zoning Ordinance	NC
546	2008-1	4/8/08	Social Host	2-32 to 2-34 (Prior Code)
547	2008-2	5/13/08	Backflow Prevention Devices	16-45 (Prior Code)
548	2008-3	5/27/08	Sewer rates	Sp. Ord.
549	2008-4	5/27/08	Water service rates	Sp. Ord.
550	2008-5	5/27/08	Sanitation service rates	Sp. Ord.
551	2008-6	7/23/08	Zoning Ordinance	NC
552	2008-7	10/14/08	City manager purchasing authority increase	1-65 (Prior Code)
553	2008-8	11/25/08	Costs of Incarceration	11-28 (Prior Code)
554	2009-1	2/10/09	Zoning Ordinance	NC
555	2009-2	2/24/09	Mobile Home	4-15 (Prior Code)
556	2009-3	3/26/09	Residential Winter Consumption Sewer	16-43 (Prior Code)
557	2009-4	4/17/09	Annexation	NC
558	2009-5	4/28/09	Traffic and Vehicles	Chapter 18 (Prior Code)
559	2009-6	4/28/09	Chief of Police Residency Requirement	1-29 (Prior Code)
560	2009-7	5/12/09	Municipal Court	Chapter 11 (Prior Code)
561	2009-8	5/12/09	Emergency Management Director	1-40 (Prior Code)
562	2009-9	5/26/09	2009 Code of Ordinance Codification	Sp. Ord.
563	2009-10	10/22/09	Fee on utility or rural electric coop	1-99 (Prior Code)
564	2009-11	10/13/09	Zoning Ordinance	NC
565	2009-12	10/1/09	Duties of City Treasurer	1-28 (Prior Code)
566	2010-1	6/22/10	2010 Code of Ordinance Codification	Sp. Ord.
567	2010-2	12/23/10	Zoning Ordinance	NC
568	2011-1	4/12/11	Street name changes in Oak Forest	NC
569	2011-2	4/12/11	Adding fee and permit for 180 days	5-4 (Prior Code)
570	2011-3	6/12/11	Collection of fines, costs and debts	1-72 (Prior Code)
571	2011-4	12/13/11	Water and sewer rates	Sp. Ord.
572	2012-1	1/24/12	City manager residency requirements	1-26 (Prior Code)

573	2012-2	3/9/12	Special Flood Hazard	15-37 (Prior Code)
574	2012-3	9/11/12	Tobacco Use	13-121 to 13-124 (Prior Code)
575		10/9/12	Traffic Control Devices	18-205 to 18-1110 (Prior Code)
576		11/27/12	Ward Boundaries Amended	20-1 (Prior Code)
577		12/11/12	Fee Schedule	Appendix 1
578		1/22/13	Zoning Ordinance	NC
579		1/22/13	Zoning Ordinance	NC
580		2/26/13	Volunteer Fire Department	17-101(2)
581		3/12/13	Zoning Ordinance	NC
582		3/12/13	Code of Ordinances Compilation	Sp. Ord.
583		4/23/13	Zoning Ordinance	NC
584		4/23/13	Zoning Regulations	Sp. Ord.
585		5/14/13	Zoning Ordinance	NC
586		5/14/13	Property Maintenance Code Adopted	4-101
587		5/14/13	Outdoor Warning Systems Adopted	6-401; 6-402; 6-403
588		6/25/13	Zoning Ordinance	NC
589		8/13/13	Fireworks, Discharge, Sale or Possession	7-301(f)(g)
590		8/27/13	Traffic Violations Bureau	11-207
591		9/24/13	Zoning Ordinance	NC
592		10/22/13	Zoning Ordinance	NC
593		10/22/13	Fox Run Road Improvement District; Creation	Sp. Ord.
594		11/12/13	Tobacco Use Regulations	13-1202; 13-1203; 13-1204; 13-1205; 13-1206; 13-1207; 13-1208
595		11/12/13	Municipal Fines Assessment	11-239
596		11/12/13	Volunteer Fire Department; Number	7-101(2)
597		2/17/14	Fox Run Improvement District Assessment	Sp. Ord.
598		2/25/14	Zoning Ordinance	NC
599		2/25/14	Zoning Ordinance	NC
600		2/25/14	Oil & Gas Regulations; Application; Specific Standards	14-103; 14-442
601		3/25/14	Zoning Ordinance	NC
602		4/22/14	Weapons, Carrying Dangerous	13-701
603		5/27/14	Planned Unit Development (PUD) 2 nd Story Ranch	Sp. Ord.
604		7/22/14	Zoning Ordinance	NC
605		9/23/14	CDBG-EDIF (Employment/Beneficiary)	Sp. Ord.
606		10/28/14	Zoning Ordinance	NC
607		10/28/14	Zoning Ordinance	NC
608		10/28/14	Zoning Ordinance	NC
609		11/25/14	Juvenile Court; Offenses; Penalties	13-1301, 13-1302, 13-1303, 13-1304, 13-1305, 13-1306
610		2/24/15	TIF District Creation	Sp. Ord.
611		3/24/15	Youth Access to Tobacco	13-1001 to 13-1006
612		4/28/15	Zoning Ordinance	NC

613	5/26/15	TIF Legal Description	Sp. Ord.
614	7/28/15	Zoning Ordinance	NC
615	7/28/15	Zoning Regulations	21-301; 21-704; 21-721(D); 21-727
616	7/28/15	Regulations pertaining to council Members; and board, committee or trust meeting attendance	1-205; 1-326
617	7/28/15	Fireworks Regulations	7-301(D); 7-301(F)
618	8/25/15	General Penalty for Violations Court Costs; and Aiding & Abetting	8-301; 11-230; 13-102
619	10/27/15	Zoning Ordinance	NC
620	10/27/15	Zoning Notice & Public Hearing	21-1012
621	10/27/15	Manually Composing, Sending or Reading Electronic Text Messages	8-554
622	10/27/15	Closing Public Ways and Easements	17-105
623	11/24/15	Zoning Ordinance	NC
624	11/24/15	Traffic Violations Bureau	11-207
625	12/15/15	Zoning Ordinance	NC
626	12/15/15	Fair Housing Regulations	5-201; 5-202; 5-203; 5-204; 5-205; 5-206; 5-207; 5-208; 5-209; 5-210; 5-211; 5-212; 5-213; 5-214
627	1/26/16	Deposit of City Funds	1-406(1)
628	4/26/16	Zoning Ordinance	NC
629	5/03/16	Zoning Ordinance	NC
630	5/03/16	Zoning Ordinance	NC
631	5/03/16	Board of Adjustment Votes	21-807
632	5/03/16	Parades & Public Assemblies	17-401 thru 17-419
633	5/24/16	Zoning Ordinance	NC
634	5/24/16	Zoning Ordinance	NC
635	5/24/16	Residential Sales	5-701 thru 5-704
636	6/28/16	Zoning Ordinance	NC
637	6/28/16	Adoption of State Traffic Code	18-104
638	6/28/16	Unlawful to Operate Vehicle without State Vehicle License; Obstructed License Plate Vehicle Impoundments	18-218 18-1303; 18-1315; 18-1316; 13-1317
639	7/26/16	Collection Receptacles for Donated Goods	5-801
640	7/26/16	Zoning Ordinance	NC
641	8/23/16	Zoning Ordinance	NC
642	8/23/16	Collection Receptacles for Donated Goods	5-801
643	8/23/16	Zoning Ordinance	NC
644	10/25/16	Zoning Ordinance	NC
645	10/25/16	Collection Receptacles for Donated Goods	5-801
647	11/29/16	Zoning Ordinance	NC
648	12/19/16	Special Non-Emergency Ordinance	NC

649	1/24/17	Sign Regulations	Repealed 21-510; 21-705; 21-714; 21-729; 21-734; 21-744; 4-301
650	2/28/17	Residential Street Lighting Policy	17-301; 17-501
651	2/28/17	Zoning Ordinance	NC
652	3/28/17	Closing of R-O-W	Sp. Ord.
653	3/28/17	Closing of R-O-W	Sp. Ord.
654	3/28/17	Zoning Ordinance	NC
655	4/25/17	Zoning Ordinance	NC
656	4/25/17	Zoning Ordinance	NC
657	5/23/17	Zoning Ordinance	NC
658	5/23/17	Closing of R-O-W	Sp. Ord.
659	5/23/17	PUD Regulations	21-751 thru 21-754
660	6/27/17	Zoning Ordinance	NC
661	8/22/17		
662	10/24/17	Contractor's Bond & Insurance	22-323
663	10/24/17	Penalty Assessments	11-231
664	11/28/17	Zoning Ordinance	NC
665	11/28/17	Board of Adjustments	1-319; 22-811
666	11/28/17	Traffic Regulations (Driving Right Side)	18-502
667	11/28/17	Fair Housing Regulations	5-204 thru 5-207; 5-214
668	12/18/17	Zoning Ordinance	NC
669	3/27/18	Limited Access Facility System	17-501 et al; 17-601
670	3/27/18	Animal Regulations	3-101 et al
671	4/24/18	Zoning Ordinance	NC
672	4/24/18	Official Zoning Map	Sp. Ord.
673	5/22/18	Zoning Ordinance	NC
674	5/22/18	Fireworks Regulations	5-901 et al.
675	5/22/18	Maintenance Bonds	22-323(6)
676	6/26/18	Traffic Code Amendment	18-405; 11-207(C)(1)(a)
677	7/10/18	Oil & Gas Regulations	14-101 to 14-107
678	7/24/18	Zoning Ordinance	NC
679	7/24/18	Zoning Ordinance	NC
680	7/24/18	Oil & Gas Regulations	14-105(C)(1); 14-105(F)(2)
681	8/28/18	Zoning Ordinance	NC
682	9/25/18	Zoning Ordinance	NC
683	10/23/18	Annexation of Territory	Sp. Ord.
684	11/27/18	Zoning Ordinance	NC
685	11/27/18	Official Zoning Map	Sp. Ord.
686	12/18/18	Zoning Ordinance (PUD)	NC
687	12/18/18	Zoning Ordinance	NC
688	12/18/18	Oil & Gas Regulations	14-102(C)
689	12/18/18	Commercial Regulations	21-732
690	1/22/19	Zoning Ordinance	NC
691	1/22/19	Zoning Ordinance	NC
692	1/22/19	Zoning Ordinance	NC

693	2/26/19	Alcoholic Beverages	2-101 et. al.
694	2/26/19	Zoning Ordinance	NC
695	2/26/19	Zoning Ordinance	NC
696	2/26/19	Firearms Regulations	13-703
697	3/26/19	Tobacco Regulations	13-1203
698	5/28/19	Zoning Ordinance	NC
699	5/28/19	Zoning Ordinance	NC
700	5/28/19	PUD Zoning Regulations	21-755 & 21-756
701	6/25/19	Zoning Ordinance	NC
702	6/25/19	Fireworks Regulations	5-906
703	7/23/19	Zoning Ordinance (PUD)	NC
704	7/23/19	Board Attendance	1-326
705	8/27/19	Zoning Ordinance	NC
706	8/27/19	Zoning Ordinance	NC
707	8/27/19	ATV, Golf Cart, etc.	18-307
708	9/24/19	Medical Marijuana Moratorium	Sp. Ord.
709	9/24/19	Asian Pot-Bellied Pigs	3-105
710	11/12/19	Food Trucks	Art. 10, Chp 5
711	12/10/19	Zoning Ordinance	NC

NC - Not Codified

Sp. Ord. – Special Ordinance

TABLE 2

ORDINANCE DISPOSITION

New	Former			
Ord. No.	Ord. No.	Date	Title or Subject	Disposition
174	1974-3	5/7/74	Zoning Ordinance	NC
176	1975-1	10/7/75	Zoning Ordinance	NC
177	1975-2	11/4/75	Zoning Ordinance	NC
179	1976-2	7/13/76	Zoning Ordinance	NC
180	1976-3	6/1/76	Zoning Ordinance	NC
182	1976-5	12/7/76	Zoning Ordinance	NC
185	1977-2	9/6/77	Zoning Ordinance	NC
215	1980-2	6/26/80	Zoning Ordinance	NC
232	1981-16	11/10/81	Zoning Ordinance	NC
277	1986-2	1/7/86	Zoning Ordinance	NC
278	1986-3	1/7/86	Zoning Ordinance	NC
281	1986-6	4/15/86	Zoning Ordinance	NC
283	1986-8	6/3/86	Zoning Ordinance	NC
288	1987-2	11/3/87	Zoning Ordinance	NC
321	1992-2	6/9/92	Zoning Ordinance	NC
325	1992-6	7/14/92	Zoning Ordinance	NC
344	1995-3	5/9/95	Zoning Ordinance	NC
350	1995-9	7/11/95	Zoning Ordinance	NC
359	1997-2	6/10/97	Zoning Ordinance	NC
360	1997-3	6/10/97	Zoning Ordinance	NC
364	1997-7	8/12/97	Zoning Ordinance	NC
366	1997-9	10/16/97	Zoning Ordinance	NC
367	1997-10	12/9/97	Zoning Ordinance	NC
368	1997-09	12/9/97	Zoning Ordinance	NC
369	1997-12	12/9/97	Zoning Ordinance	NC
370	1998-1	4/14/98	Zoning Ordinance	NC
371	1998-2	4/14/98	Zoning Ordinance	NC
372	1998-3	4/14/98	Zoning Ordinance	NC
373	1998-4	4/14/98	Zoning Ordinance	NC
374	1998-5	4/14/98	Zoning Ordinance	NC

TABLE 2

376	1998-7	5/13/98	Zoning Ordinance	NC
378	1998-9	10/13/98	Zoning Ordinance	NC
381	1998-12	12/8/98	Zoning Ordinance	NC
382	1998-13	12/8/98	Zoning Ordinance	NC
383	1999-1	3/9/99	Zoning Ordinance	NC
391	1999-9	8/10/99	Zoning Ordinance	NC
392	1999-10	8/10/99	Zoning Ordinance	NC
394	1999-12	10/13/99	Zoning Ordinance	NC
400	2000-3	5/9/00	Zoning Ordinance	NC
401	2000-4	5/18/00	Zoning Ordinance	NC
402	2000-5	5/18/00	Zoning Ordinance	NC
412	2001-2	5/8/01	Zoning Ordinance	NC
417	2002-1	5/21/02	Zoning Ordinance	NC
426	2002-10	11/12/02	Zoning Ordinance	NC
429	2002-13	12/10/02	Zoning Ordinance	NC
430	2002-14	12/10/02	Zoning Ordinance	NC
434	2003-4	2/11/03	Zoning Ordinance	NC
436	2003-6	3/11/03	Zoning Ordinance	NC
437	2003-7	5/13/03	Zoning Ordinance	NC
438	2003-8	7/8/03	Zoning Ordinance	NC
440	2003-10	10/6/03	Zoning Ordinance	NC
441	2003-11	11/11/03	Zoning Ordinance	NC
443	2003-13	12/30/03	Zoning Ordinance	NC
445	2004-2	1/29/04	Zoning Ordinance	NC
451	2004-8	6/8/04	Zoning Ordinance	NC
458	2004-15	8/10/04	Zoning Ordinance	NC
459	2004-16	8/10/04	Zoning Ordinance	NC
462	2004-19	10/12/04	Zoning Ordinance	NC
463	2004-20	10/12/04	Zoning Ordinance	NC
464	2004-21	10/12/04	Zoning Ordinance	NC
466	2004-23	10/9/04	Zoning Ordinance	NC
467	2004-24	10/9/04	Zoning Ordinance	NC
468	2004-25	10/9/04	Zoning Ordinance	NC
469	2004-26	12/14/04	Zoning Ordinance	NC
470	2004-27	12/14/04	Zoning Ordinance	NC
471	2004-28	12/14/04	Zoning Ordinance	NC
472	2004-29	12/14/04	Zoning Ordinance	NC
474	2005-1	1/11/04	Zoning Ordinance	NC
478	2005-5	3/8/05	Zoning Ordinance	NC
479	2005-6	3/8/05	Zoning Ordinance	NC

480	2005-7	5/10/05	Zoning Ordinance	NC
481	2005-8	5/10/05	Zoning Ordinance	NC
486	2005-13	6/14/05	Zoning Ordinance	NC
487	2005-14	8/9/05	Zoning Ordinance	NC
488	2005-15	8/9/05	Zoning Ordinance	NC
489	2005-16	9/27/05	Zoning Ordinance	NC
493	2005-20	11/8/05	Zoning Ordinance	NC
494	2005-21	11/8/05	Zoning Ordinance	NC
496	2005-23	12/13/05	Zoning Ordinance	NC
497	2005-24	12/13/05	Zoning Ordinance	NC
498	2005-25	12/13/05	Zoning Ordinance	NC
499	2005-26	12/13/05	Zoning Ordinance	NC
500	2005-27	1/10/06	Zoning Ordinance	NC
501	2006-1	1/10/06	Zoning Ordinance	NC
502	2006-2	1/10/06	Zoning Ordinance	NC
503	2006-3	2/14/06	Zoning Ordinance	NC
504	2006-4	2/14/06	Zoning Ordinance	NC
509	2006-10	3/28/06	Zoning Ordinance	NC
510	2006-11	3/28/06	Zoning Ordinance	NC
511	2006-12	3/28/06	Zoning Ordinance	NC
512	2006-13	3/28/06	Zoning Ordinance	NC
513	2006-14	3/28/06	Zoning Ordinance	NC
514	2006-15	4/11/06	Zoning Ordinance	NC
515	2006-16	4/11/06	Zoning Ordinance	NC
516	2006-17	4/11/06	Zoning Ordinance	NC
518	2006-19	5/9/06	Zoning Ordinance	NC
519	2006-20	5/9/06	Zoning Ordinance	NC
521	2006-22	6/13/06	Zoning Ordinance	NC
522	2006-23	7/11/06	Zoning Ordinance	NC
525	2006-26	9/12/06	Zoning Ordinance	NC
529	2006-30	10/10/06	Zoning Ordinance	NC
534	2007-2	1/9/07	Zoning Ordinance	NC
535	2007-3	1/9/07	Zoning Ordinance	NC
536	2007-4	1/9/07	Zoning Ordinance	NC
538	2007-6	2/27/07	Zoning Ordinance	NC
540	2007-8	3/13/07	Zoning Ordinance	NC
541	2007-9	3/13/07	Zoning Ordinance	NC
542	2007-10	3/13/07	Zoning Ordinance	NC
543	2007-11	5/8/07	Zoning Ordinance	NC
544	2007-12	11/13/07	Zoning Ordinance	NC

545	2007-13	11/13/07	Zoning Ordinance	NC
551	2008-6	7/23/08	Zoning Ordinance	NC
554	2009-1	2/10/09	Zoning Ordinance	NC
564	2009-11	10/13/09	Zoning Ordinance	NC
567	2010-2	12/23/10	Zoning Ordinance	NC
578		1/22/13	Zoning Ordinance	NC
579		1/22/13	Zoning Ordinance	NC
581		3/12/13	Zoning Ordinance	NC
583		4/23/13	Zoning Ordinance	NC
585		5/14/13	Zoning Ordinance	NC
588		6/25/13	Zoning Ordinance	NC
591		9/24/13	Zoning Ordinance	NC
592		10/22/13	Zoning Ordinance	NC
598		2/25/14	Zoning Ordinance	NC
599		2/25/14	Zoning Ordinance	NC
601		3/25/14	Zoning Ordinance	NC
603		5/27/14	Planned Unit Development (PUD) 2 nd Story Ranch	Sp. Ord.
604		7/22/14	Zoning Ordinance	NC
606		10/28/14	Zoning Ordinance	NC
607		10/28/14	Zoning Ordinance	NC
608		10/28/19	Zoning Ordinance	NC
612		4/28/15	Zoning Ordinance	NC
614		7/28/15	Zoning Ordinance	NC
619		10/27/15	Zoning Ordinance	NC
623		11/24/15	Zoning Ordinance	NC
625		12/15/15	Zoning Ordinance	NC
628		4/26/16	Zoning Ordinance	NC
629		5/3/16	Zoning Ordinance	NC
630		5/3/16	Zoning Ordinance	NC
633		5/24/16	Zoning Ordinance	NC
634		5/24/16	Zoning Ordinance	NC
636		6/28/16	Zoning Ordinance	NC
641		8/23/16	Zoning Ordinance	NC
642		8/23/16	Zoning Ordinance	NC
644		10/25/16	Zoning Ordinance	NC
645		10/25/16	Zoning Ordinance	NC
648		12/19/16	Zoning Ordinance	NC
652		3/28/17	Zoning Ordinance	NC
655		4/25/17	Zoning Ordinance	NC
656		4/25/17	Zoning Ordinance	NC

[illegible]

[illegible]

[illegible]

NC - Not Codified
 Sp. Ord. – Special Ordinance

APPENDIX 1
FEE SCHEDULE

FEE SCHEDULE

A. Fee schedule shall be adopted by reference. The Schedule of Fees of the city of Blanchard was hereby adopted and approved by Ordinance No. 577 on December 11, 2012, to read as follows:

1. “Fees of the city of Blanchard shall be set by motion or resolution adopted by the city council; and reviewed and adjusted annually, as needed, and shall become a part of the city’s annual fiscal budget.” (Ord. No. 577, 12/11/12)

APPENDIX II

BLANCHARD MUNICIPAL IMPROVEMENT AUTHORITY

TRUST INDENTURE

I

CREATION OF TRUST

The undersigned, as trustors, do hereby create, establish, and constitute, under the laws of the state of Oklahoma, generally but not exclusively pursuant to §§176 to 180, inclusive, of Title 60, Oklahoma Statutes 1961, and the Oklahoma Trust Act, a trust for the purposes and functions hereafter set forth.

II

NAME

The name of this trust shall be, and the Trustees in their representative fiduciary capacity shall be designated as, "THE BLANCHARD MUNICIPAL IMPROVEMENT AUTHORITY under that name, they shall, so far as practicable, conduct all business, and execute all instruments in writing, and otherwise perform their duties and functions, in the execution of this trust.

III

PURPOSES

The purposes of this trust are:

A. To furnish and supply to the inhabitants, owners and occupants of property, and to industrial, commercial, and mercantile establishments and enterprises within the corporate limits of the beneficiary municipality and in territory in reasonably convenient proximity thereto, and to the Beneficiary and any other governmental agencies, utility services, garbage services and physical facilities for all purposes authorized or proper as a function of the beneficiary municipality;

B. For the convenience and welfare of the beneficiary municipality and the citizens thereof, to provide or to aid in providing to the federal government, the state of Oklahoma, county of McClain, the beneficiary municipality, the school district in which the latter is located, or to any agency or instrumentality of either or any of them, or to any one or more of them, facilities and services of any and all kinds convenient or necessary to the functioning thereof;

C. To perform on behalf of the beneficiary municipality the functions and powers authorized to it by generally, but not exclusively, §§176 to 180, inclusive, of Title 60, Oklahoma Statutes 1961, and the Oklahoma Trust Act.

D. In implementation or furtherance of all of the foregoing, to enter into any contractual arrangements in relation thereto, including but not restricted to, purchase contracts, sale contracts, construction contracts, maintenance contracts, operation contracts, service contracts, leases, lease-purchase agreements, options, conveyances, and agreements to enter into or make any of them. In additional implementation or furtherance of the foregoing, to make a gift or gifts of said facilities or services to any one or more of such governmental entities or to contract to do so; and to fix, demand, and collect charges, rates, rents; and fees for such services and facilities to the same extent as the Beneficiary itself might do: provided, that the furnishing of any services or facilities to any person delinquent in the payment of any indebtedness whatsoever to the trust may be discontinued at any time;

E. To acquire, by lease, purchase, or otherwise, and to hold, construct, equip, maintain, and operate, any and all physical properties necessary and proper for utilization in the furnishing and providing of said services and facilities; and to relinquish, dispose of, rent, or otherwise make provision for, physical properties owned or controlled by the trust but no longer required for trust purposes;

F. To provide funds for the cost of financing, acquiring, constructing, equipping, maintaining, repairing, and operating any of said services or facilities, and all properties (real, personal or mixed) necessary for executing and fulfilling the trust purposes as set forth in this Section of this instrument, and all other charges, costs, and expenses necessarily incurred in connection therewith; and in so doing, to incur indebtedness, either unsecured or secured by all or any part of the Trust assets or property or its revenues;

G. To expend all funds coming into the hands of the trustees, as revenue or otherwise, in the payment of the aforesaid costs and expenses and in the payment of any indebtedness incurred by the trustees for purposes specified herein, and in the payment of any other debt or obligation properly chargeable against the trust estate, and to distribute the residue and remainder of such funds to the beneficiary municipality for the payment of all or any part of the principal or interest of any bonded indebtedness of the beneficiary and for any one or more authorized or proper purposes of the beneficiary as shall be specified by the trustees

hereunder;

H. Whenever it shall be material, the purposes set forth in paragraphs A., B, and C of this § shall be the primary objectives of this trust and the provisions of paragraphs D to G inclusive, shall be deemed and construed in implementation thereof and collateral thereto.

The word "facilities" as used herein means real estate and all privileges, benefits, and appurtenances thereto, and also all buildings, structures installations, and all other physical properties whatsoever, and all rights, privileges, and benefits relating thereto.

IV

DURATION

This trust shall exist for the term of duration of the beneficiary as hereafter described, and until such time as the trust's purposes shall have been fully executed and fulfilled, or until it shall be terminated as hereafter provided.

V

TRUST ESTATE

The trust estate shall consist of:

All money, property, (real, personal, or mixed), rights, choses in action, contracts, leases, privileges, franchises, benefits, and all other things of value, whether or not above described, coming into the hands, or under the control of the trustees pursuant to the provisions of this instrument or by virtue of their trusteeship hereunder.

VI

THE TRUSTEES

A. The undersigned trustees hereby contract, agree, and covenant between themselves, with and to the state of Oklahoma and with and to the beneficiary hereunder, as by law now in force and effect, that they will execute the trust herein declared, created, and constituted, as trustees for the beneficiary hereafter specified, and that they do and will receive, hold, and administer the trust estate above described in trust solely for the use and benefit of the Beneficiary in the manner provided in this instrument, or in the absence of applicable provisions herein, then in the manner provided by law.

B. The trustees of this trust, except as hereafter provided, shall, ex officio, be the same persons that currently are the acting members of the legally constituted governing body of the beneficiary municipality without distinction as to the office held: provided, that the person who shall be the presiding officer of the governing body of the beneficiary municipality shall, ex officio, be chairman of trustees of this trust.

1. Each undersigned trustee shall continue as such unless temporarily replaced pursuant to paragraph of this §, until such person shall have been succeeded and replaced by some other person as an officer of the beneficiary above designated ex officio to be a trustee and such latter person shall have qualified as a trustee hereunder as provided in paragraph of this §.

2. Each persons who shall become such an above-designated officer of the beneficiary shall be entitled to qualify as, and to become, a trustee hereunder and to continue as such until succeeded and replaced by some other person as aforesaid and such latter person shall have qualified as a trustee hereunder as provided in paragraph of this §: provided, that the foregoing shall not prevent the temporary replacement of any such trustee pursuant to paragraph of this §; and provided further, that in the event the number of persons constituting the governing body of the beneficiary shall bereduced by law, any person who shall cease to be an officer such as is above designated as an ex officio trustee shall cease to be a trustee of this trust forthwith.

C. Each trustee qualifying under this instrument shall continue as such until his successor shall have qualified as provided in paragraph F of this §.

D. The determination of the fact of a vacancy shall be vested exclusively in the remaining trustees and their determination of such fact shall be conclusive. In the event that such a vacancy shall exist, the remaining trustees may fill such vacancy pending qualification of the person entitled thereto.

E. The trustees may contract, in connection with the incurring of any funded debt secured by the trust estate or its revenues, or any part of either or both, that, in the event of a default in the payment of principal or interest of such debt, or any default under any instrument securing or pursuant to which such debt be incurred, temporary trustees, residents of the county of McClain, state of Oklahoma, and approved by the district court of said county or a Judge thereof, may be appointed to act in place and instead of permanent Trustees in relation to the security for said funded debt, in such number that such Temporary Trustees may constitute a

majority of the board of trustees.

Any such contract shall provide for the method of appointment of each such temporary trustee and shall also provide that any such appointment shall designate the permanent trustee to be so temporarily supplanted. Each such temporary trustee who shall be appointed under the authority herein granted shall supplant in all respects, the permanent trustee so designated in relation to said security for said funded debt. During the term of any such temporary trustee, the permanent trustee so supplanted shall be wholly without authority, duty, or liability of any kind, in relation to said security for said funded debt, under the terms of this instrument. All temporary trustees shall cease to have any power or authority on the termination of all defaults by which their appointment would have been authorized and the permanent Trustees temporarily supplanted shall automatically be reinstated.

F. All trustees, and all temporary trustees appointed hereunder shall qualify by written acceptance of all of the terms of this instrument duly acknowledged and filed in the same manner as this instrument is acknowledged and filed. All trustees hereunder, permanent and temporary, before assuming the duties and powers of their offices, shall also subscribe and file such oaths as shall be required by law for public officers of the state of Oklahoma.

G. Upon each change of personnel of the trustees hereunder, the trustees shall cause to be filed in the office of the county clerk of the county of McClain, state of Oklahoma, a certificate as to the entire personnel of the board of trustees of the trust.

H. The acceptance of the office of trustee of this trust shall not constitute the trustees hereunder, temporary or permanent or both, to be in partnership or association.

I. Notwithstanding any other provision of this instrument that shall appear to provide otherwise, no trustee or trustees shall have any power or authority to bind or obligate any other Trustee, or the Beneficiary, in his or its individual capacity.

J. All persons, firms, associations, trusteeships, corporations, municipalities, governments, and sovereignties contracting with any trustee or trustees, temporary or permanent or both, shall take notice that all expenses and obligations, and all debts, damages, judgments, decrees, or liabilities incurred by any trustee or trustees, temporary or permanent or both, and any of the foregoing incurred by any agent, servant, or employee of such trustees, in the execution of the purposes of this trust, whether arising from contract or tort, shall be solely chargeable to, and payable out

of, the trust estate. In no event shall any trustee, temporary or permanent, or the beneficiary of this trust, be in any manner individually liable for any damage or injury to persons or property, or for breach of contract or obligation, caused by, arising from incident to, or growing out of, the execution of this trust; nor shall they, or any of them, be liable for the acts or omissions of each other, or of another such trustee: provided, however, that the foregoing shall not apply to any willful or grossly negligent breach of trust of any trustee.

VII

POWERS AND DUTIES OF TRUSTEES

Subject to, and in full compliance with, all requirements of law applicable to this trust or to the trustees thereof:

A. The trustees, in the manner hereafter set forth, shall do, or cause to be done, in lawful manner, all things that are incidental, necessary, proper, or convenient to carry fully into effect, the purposes enumerated in §III of this instrument, the general authority hereby given being intended to make fully effective the power of the trustees under this instrument; and, to effectuate said purposes, said Trustees are specifically authorized, but not limited thereby:

1. To enter in and execute, apply for, purchase, or otherwise acquire franchises, property (real or personal), contracts, leases, rights, privileges, benefits, choses in action;

2. To acquire, own, hold, manage, and in any manner to convey, assign, dispose of, liquidate, compromise, or realize upon any contract, lease, right, privilege, benefit, chose in action, franchise, property (real or personal), or other thing of value, and to exercise all of the powers necessary or convenient in respect of same;

3. To guarantee, acquire, purchase, hold, sell, assign, transfer, encumber, dispose of, and deal in the stocks, bonds, debentures, shares or evidences of interest or indebtedness of any corporation, association, municipality, government, sovereignty, trusteeship, firm, or individual, to enter into and perform any lawful contract in relation thereto, and to exercise all of the rights, powers, and privileges in relation thereto, to the same extent as a natural person might or could do. The foregoing expressly shall include, without limitation by reason of enumeration, the power and authority to contract to guarantee or assume, out of distributive funds of the trust, the payment of all or any part of the principal or interest of any bonded indebtedness of the beneficiary during all or any part of the term of said indebtedness, and to fully perform any such contract;

4. To enter into, make, and perform contracts of every lawful kind, including, but not restricted to, management contracts, with any person, firm, association, corporation, trusteeship, municipality, government, or sovereignty; and, subject to the provisions of paragraph of this Section, without limit as to amount; to draw, make, accept, endorse, assume, guarantee, discount, execute, and issue promissory notes, drafts, bills of exchange, acceptances, warrants, bonds, debentures, and other negotiable and transferable, or non-negotiable or nontransferable instruments, obligations, and evidences of secured or unsecured indebtedness, and if secured by mortgage, deeds of trust, or otherwise, upon any or all property of the trust, and to pledge any or all income of the trust, in the same manner and to the same extent as a natural person might or could do.

B. Notwithstanding anything in this instrument appearing to the contrary, the Trustees shall not contract any indebtedness or obligation whatsoever that shall be secured by any interest in property leased or licensed to the trustees by the beneficiary, which property shall have been acquired by the said beneficiary by the expenditure of any of its funds, or secured by the revenues of any of such property or any part thereof, nor shall the trustees enter into any lease or license agreement with the beneficiary relating to any of the aforesaid property, until first there shall have been submitted to all of the qualified electors of the beneficiary municipality, at an election held for that purpose, the question of the incurring of said secured indebtedness or obligation, or the granting of such lease or license, and the same shall have been approved by a majority of said electors voting on said question at said election. For the conducting of such an election, the trustees hereby are authorized to make all proper provisions, among which shall be required the following:

1. They shall cause to be prepared a ballot setting forth in concise terms the amount of indebtedness or obligation proposed to be incurred, the property or revenues proposed to be pledged as security therefor, and the purpose or purposes for which said indebtedness or obligation is proposed to be incurred, or the property to be affected by such proposed lease or license; and

2. Notice of any such election shall be published, and any such election held, in substantially the same manner as shall then be provided for municipal elections on similar proposals.

Provided that the foregoing provisions of this paragraph B shall not be effective as to the following:

a. Any pledge of the trust revenues for the purpose of guaranteeing

or assuming any indebtedness of the beneficiary municipality; or

- b. Any indebtedness not to exceed \$_____ in any one calendar year incurred for the for the purpose of making improvements or repairs to, or replacements of, operating and revenue producing portions of the trust estate; or
- c. Any indebtedness incurred for the refunding of any outstanding indebtedness of the trust, if the principal amount of such indebtedness shall not exceed the principal amount of the indebtedness refunded, plus the sum authorized by (b) above, when a portion of the indebtedness being incurred is for purposes specified in (c) above.

C. No contract for the construction, installation, or purchase of facilities or equipment, or for the purchase of supplies, shall be made except in accordance with all applicable requirements as to like contracts made by the beneficiary municipality.

D. The trustees shall collect and receive any property, money, rents, or income of any sort, and distribute the same, or any portion thereof, solely for the furtherance of the purposes enumerated in §III of this Instrument, and not otherwise.

E. The trustees shall hold the legal title to all property at any time belonging to the trust in the names of the trustees or in the name of authority, and shall have and exercise exclusively the management and control of the same, for the use and benefit of the beneficiary hereunder, in the execution of the purposes of this trust; and the right of said trustees to manage, control, and administer the trust, its properties, assets, and business, shall be absolute and unconditional, free from the direction, control, or management of the beneficiary or any person or persons whatsoever.

F. The trustees shall employ such agents, servants, and employees as they deem necessary, proper, or convenient, and prescribe their duties and fix their compensation: provided that, if and so long as the government of the beneficiary municipality shall be administered by a city manager, the person who currently shall be employed as city manager of said beneficiary municipality shall be employed as general manager of the authority, with all powers of administration of the authority property and, affairs, under supervision of the trustees of the authority, as such city manager has in relation to the municipal property and affairs.

G. The trustee shall contract for the furnishing of any services of the performance of any duties that the trustees deem necessary, proper, or convenient and shall pay for the same as they see fit to provide in such contract.

H. The trustees, by resolution, may divide the duties of the trustees hereunder, delegating all or any part of such duties to one or another of the trustees as they deem proper; but, where specific duties are not so delegated, a majority of the trustees must act for the authority.

I. The trustees shall, in the name of the trust as above set forth, or in their names as trustees, bring any suit or action that, in their judgment, is necessary, proper, and convenient to protect the interests of the trust, or to enforce any claim, demand, or contract for the trust, or to enforce any claim, demand, or contract for the benefit thereof. They shall defend, in their discretion, any suit against the trust, or the trustees or employees, agents, or servants thereof. The trustees are expressly authorized, in their discretion, to bring and prosecute or defend such suits, actions, or proceedings, or to compromise and settle any suit, claim, or proceedings in which the trust is interested, and to discharge the same out of the trust property and assets. They are specifically authorized to pay or transfer out of the trust property or assets all sums of money or property necessary to discharge any judgment or decree rendered against them, or the trust, together with all court or other costs, including counsel and attorney's fees, and also to pay out of the trust property and assets such sums of money, or transfer appropriate property thereof, for the purpose of settling, compromising, or adjusting any claim or controversy, together with all costs and expenses connected therewith, and all such expenditures and transfers shall be treated as expenses of executing this trust.

J. No bond shall be required of the trustees, or any of them, unless they shall deem the same proper and shall so provide by resolution.

K. All actions of the trustees shall be taken in public meeting only, and the trustees shall make a written record of all of their proceedings. All records whatsoever of the trust shall be kept in the office of the clerk of the beneficiary municipality and shall be subject to inspection during customary business hours as are public records of the state of Oklahoma.

L. At their first meeting, the trustees shall designate the principal office of the trust, and the time and place for regular meetings of the trustees. The time and place of regular meetings shall not be changed unless at a meeting where all incumbent trustees are present. No notice

shall be required for the holding of regular meetings of the trustees. Special meetings may be held on such call as shall be fixed by resolution of the trustees adopted at a meeting where all incumbent trustees are present. The trustees shall cause to be filed, in all places where this instrument is recorded, a certificate designating the principal office of the trust and the time and place of regular meetings of the trustees, and any changes therein shall be filed for record in like manner.

VIII

BENEFICIARY

A. The terms "beneficiary" and "beneficiary municipality" as used in this instrument, denote the incorporated city of Blanchard, state of Oklahoma, and likewise shall denote any municipal entity that hereafter may succeed said incorporated city as the governing authority of the territory lying within the present municipal boundaries of said incorporated city and within which the trust then shall be furnishing utility services or any facilities.

B. The beneficiary shall have no legal claim or right to the trust estate, or to any part thereof; neither shall the beneficiary as such, have any authority, power, or right whatsoever to do or transact any business whatsoever for, or on behalf of, or binding on, the trustees or the trust estate; neither shall the beneficiary have the right to control or direct the actions of the trustees in respect of the trust estate, or any part thereof; nor shall the beneficiary have any right to demand or require any partition or distribution of the trust estate, or any part thereof. The beneficiary shall be entitled solely to the benefits of this trust, as administered by the trustees hereunder, and at the termination of the trust, as provided herein, and then only, the beneficiary shall receive the residue of the trust estate. Notwithstanding anything appearing herein to be to the contrary, no provision in this instrument or of the acceptance of beneficial interest thereunder by the governing body of the beneficiary, limiting, restricting, or denying any authority, power, or right of the beneficiary of said trust in relation to the administration thereof is intended, or shall be construed or interpreted, to effect a surrender, or to attempt to effect a surrender, of any of the sovereign governmental powers of the state of Oklahoma, or of the beneficiary municipality; but any and all provisions of this trust instrument are intended, and shall be applied, to relate solely and only to the proprietary rights and property interests of the beneficiary, in trust, as distinguished from its sovereign governmental powers and authority. Moreover, it is further agreed that nothing contained in this declaration of trust or in the acceptance of beneficial interest thereunder shall be

construed, interpreted, or applied as intending to grant, or to grant, to the trustees hereunder an exclusive franchise in relation to any powers, rights, or authority of the trustees under this trust instrument.

IX

TERMINATION

A. This trust shall be irrevocable by the trustors and shall terminate:

1. When the purposes set forth in §III of this instrument shall have been fully executed and fulfilled; or

2. In the event of the happening of any event or circumstance that would prevent said purposes from being executed and fulfilled and all of the trustees and the governing body of the municipality having beneficial interest hereunder, with the approval of the governor of the state of Oklahoma, shall agree that such event or circumstance has taken place: provided, however, that all indebtedness of the Trust shall have been paid; or

3. In the manner provided by Title 60, Oklahoma Statutes, §180; Provided, however, that this Trust shall not be terminated by voluntary action if there is any outstanding indebtedness or fixed-term obligations of the trustees, unless all owners of such indebtedness or obligations, or someone authorized by them to do so, shall have consented in writing to such termination.

B. Upon the termination of this trust, the trustees shall proceed to wind up the affairs of the trust, and, after payment of all debts and obligations out of trust money, to the extent thereof, shall distribute the residue of the trust money to the beneficiary hereunder as provided in §III G of this instrument. Upon final distribution, the powers, duties, and authority of the trustees hereunder shall cease.

X

PARTIAL INEFFECTIVENESS

The invalidity or ineffectiveness or any reason of any one or more words, phrases, clauses, paragraphs, subsections, or sections of this instrument shall not affect the remaining portions hereof so long as such remaining portions shall constitute a rational instrument, and this

instrument shall be construed as if such invalid or ineffective portion had not be inserted herein.

XI

COVENANT

The provisions hereof shall be binding upon the undersigned, their heirs, executors, administrators and assigns.

IN WITNESS WHEREOF, we have hereunto set our hands executing this declaration of trust in one original and one copy, all of which constitute one and the same instrument, this 18th, day of December, 1971.

/s/ G. C. Lambert
Trustor

/s/ G.C. Lambert
Trustee

/s/ Ben Carter
Trustee

/s/ Roy Wheeler
Trustee

/s/ Phillip L. Savage
Trustee

/s/ James H. Howell
Trustees

ACCEPTANCE OF BENEFICIAL INTEREST

On this 18th day of December, 1971, pursuant to resolution duly adopted by its city council, city of Blanchard, in the state of Oklahoma, and said city council as the governing body of said city, hereby accept, for and on behalf of said city, the beneficial interest in the trust created by the within and foregoing declaration of trust in all respects in accordance with the terms of said declaration of trust.

CITY OF BLANCHARD,
STATE OF OKLAHOMA

BY: /s/ G. C. Lambert
Mayor

Attest: (Seal)

/s/ Mary L. Chambers
City Clerk

STATE OF OKLAHOMA }
 }
COUNTY OF McClain } ss.

On this ____ day of _____, 1971, before me, the undersigned notary public in and for said county and state, personally appeared

to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

NOTARY PUBLIC

My Commission Expires:

ACCEPTANCE OF BENEFICIAL INTEREST

On this 18th day of August, 1981, pursuant to Resolution No. 19 duly adopted by the city council, the city of Blanchard, Oklahoma, and said city council of said city, hereby accept for, and on behalf of said city, the beneficial interest in the trust created by the within and foregoing trust agreement, in all respects in accordance with the terms of said trust agreement.

CITY OF BLANCHARD

By /s/ Ron Eisenhower
Mayor

ATTEST: (Seal)

Mary L. Chambers
City Clerk

ACKNOWLEDGEMENT

STATE OF OKLAHOMA }
 }
COUNTY OF McClain } **ss**

The foregoing instrument was acknowledged before me this 18th day of August, 1981, by /s/ Ron Eisenhower, mayor of the city of Blanchard, Oklahoma, a municipal corporation, on behalf of said municipal corporation.

/s/ C. A. Ridener
Notary Public

My Commission Expires:

4-6-85

**CERTIFICATE OF TRUST AGREEMENT OF THE
BLANCHARD MUNICIPAL IMPROVEMENT AUTHORITY**

I, the undersigned duly authorized and acting secretary of the BLANCHARD MUNICIPAL IMPROVEMENT AUTHORITY ("BMIA"), do hereby certify that attached hereto is a true, correct and complete copy of the BMIA Trust Agreement dated December 18, 1971, as amended by an amendment to trust agreement dated as of November 1, 1995, which created the BMIA, and said BMIA Trust Agreement, as amended, has not been revoked, repealed or further amended and remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the seal of BMIA, this 11th day of April, 2000.

BLANCHARD MUNICIPAL IMPROVEMENT AUTHORITY

/s/ Diane G. McCoy
Diane G. McCoy, Secretary

APPENDIX III
BLANCHARD ECONOMIC TRUST AUTHORITY
TRUST INDENTURE

**CERTIFICATE OF TRUST AGREEMENT OF THE
BLANCHARD ECONOMIC TRUST AUTHORITY**

I, the undersigned duly authorized and acting secretary of the BLANCHARD ECONOMIC TRUST AUTHORITY ("BETA"), do hereby certify that attached hereto is a true, correct and complete copy of the BETA Trust Indenture dated as of October 12, 1999, which created the BETA, and said BETA Trust Indenture has not been revoked, repealed or further amended and remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the seal of BETA, this 11th day of April, 2000.

BLANCHARD ECONOMIC TRUST AUTHORITY

/s/ Diane G. McCoy
Diane G. McCoy, Secretary

CREATING THE BLANCHARD ECONOMIC TRUST AUTHORITY

KNOW ALL MEN BY THESE PRESENTS:

This trust Indenture dated as of the 12th day of October, 1999, by JOSEPH P. HYDE, hereinafter referred to as the Trustor, and DANNY WALKER, JERRY STONE, ED CLOUSE, NOEL BRILEY, HARVEY AHL, TOM SACCHIERI, and GREG SHUPERT, and their respective successors as provided herein, to be known as the trustees of the Blanchard Economic Trust Authority, who shall be and are hereinafter referred to as trustees of the said authority, hereinafter referred to as "authority" or "trust".

NOW, THEREFORE, in consideration of the payment by the trustor to the trustees of the sum of ten (\$10.00) dollars, receipt of which is hereby acknowledged, the mutual covenants herein set forth, and other valuable considerations, the said trustees agree to hold, manage, invest, assign, convey and distribute as herein provided, authorized and directed, such property as trustor, or others may heretofore or from time to time hereafter assign, transfer, lease, convey, give, bequeath, devise or deliver unto this trust or the trustees hereof.

TO HAVE AND HOLD such property and the proceeds, rents, profits, and increases thereon unto said trustees and said trustees' successors and assigns, but nevertheless in trust, for the use and benefit of the city of Blanchard, state of Oklahoma, such city being hereby designated and hereinafter referred to as "beneficiary" and upon the trusts, terms and conditions hereinafter stated.

ARTICLE I

CREATION OF TRUST

The undersigned trustor creates and establishes a Trust for the use and benefit of the beneficiary for the public purposes hereinafter set forth, under the provisions of Title 60, Oklahoma Statutes 1991, §§176 to 180.4, inclusive, as amended and supplemented, the Oklahoma Trust Act and other applicable statutes and laws of the state of Oklahoma.

The undersigned trustor hereby forever irrevocably conveys, relinquishes and assigns to the trustees of the authority any and all right, title and interest trustor may have in and under this trust indenture and the trust created hereunder, including, without limitation, the right to consent to an approve any further changes, amendments or supplements to this trust indenture.

ARTICLE II

NAME AND EFFECTIVE DATE OF TRUST

The trustees of this trust shall continue to conduct all business and execute or authorize the execute on of all instruments in the name of this trust, which shall be the "Blanchard Economic Trust Authority" and otherwise perform the duties and functions required in the execution of this trust, and hereby authorize the chairman or vice chairman and the secretary or assistant secretary of the trust to execute instruments on behalf of the trust as directed by duly enacted resolutions of the trust. This trust indenture shall be in full force and force and effect from and after the date of execution by the trustees of the trust and acceptance of the beneficial interest herein by the beneficiary.

ARTICLE III

DEFINITIONS

"*Act*" shall mean the Oklahoma Public Trust Act, being Title 60, Oklahoma Statutes 1991, §§176 to 180.4, as amended and supplemented.

"*Authority*" shall mean the Blanchard Economic Trust Authority created pursuant to this trust indenture, and the trustees thereof, acting on behalf of and in the name of said authority.

"*Beneficiary*" shall mean the city of Blanchard, state of Oklahoma, acting by and through its governing body.

"*Bonds*" or "*Notes*" shall mean respectively the bonds and notes of the authority authorized to be issued under this indenture.

"*By-Laws*" shall mean the by-laws, if any, duly adopted by the authority as the same may be amended from time to time.

"*Governmental Agency*" shall mean the United States of America and the state or any department, division, public corporation, public agency, political subdivision or other public instrumentality of either.

"*Indenture*" or "*Trust Indenture*" shall mean this trust indenture as amended and supplemented from time to time.

"*Lending Institution*" shall mean any bank or trust company, Federal National Mortgage Association, mortgage banker, mortgage company, national banking association, savings bank, savings and loan association and any other financial institution or governmental agency or person.

"*Mortgage*" shall mean a mortgage, mortgage deed, deed of trust, security agreement or other instrument creating a lien on a fee interest in real and/or personal property located with the beneficiary or a leasehold on such fee interest.

"*Mortgage Loan*" means an interest bearing obligation secured by a mortgage.

"*State*" shall mean the state of Oklahoma.

"*Trustees*" shall mean the trustees of the authority.

ARTICLE IV

PURPOSES OF TRUST

The purposes of this trust are:

1. To assist the beneficiary, the state of Oklahoma, governmental agencies, municipalities and private entities, agencies and citizens in making the most efficient use of all of their economic resources and powers in accord with the needs and benefit of the state of Oklahoma and the beneficiary in order to lessen the burdens on government and to stimulate economic growth and development, specifically including, but not limited to, the power to conduct studies and prepare comprehensive plans relating to the future economic growth and development of the beneficiary; to inventory the services, facilities and resources of the beneficiary; to promote, stimulate, encourage and finance the growth and development of the utility, agricultural, commercial, health care and industrial resources of the beneficiary, all in order to achieve maximum utilization of the beneficiary human, economic and natural resources and tourist attractions; to foster and promote an improved industrial climate within the beneficiary and to otherwise promote its general economic welfare and prosperity and to finance any and all programs, utilities, facilities or resources promoting or intending to promote any of the foregoing and, without restriction, in furtherance of the foregoing general objectives, the following specific powers or purposes, to wit:

- a. To promote, develop and finance projects or facilities relating to agriculture, farming, ranching and agri-business of any sort or description including, but not limited to, any land or personal property related thereto, or projects relating to cattle, poultry, irrigation equipment and systems, or other agri-projects of any other sort or description.
- b. To promote, finance and develop commercial and industrial projects

or facilities and to exercise all of the powers, privileges and prerogatives of industrial trusts within this State.

- c. To promote, finance and develop hospitals, ambulance services and other health care facilities and any other medically related facilities including, but not limited to, medical and/or dental, optometric, osteopathic or chiropractic clinics, offices, laboratories, nursing homes, research facilities, geriatric facilities, retirement facilities, central service facilities and training facilities, extended care facilities, facilities for aged and/or disabled persons, day care facilities for children and all other types of facilities for serving the medical and physical needs of people.
- d. To promote, finance and develop projects or facilities relating to the development of energy of any sort or description including, but not limited to those relating to the development of oil, gas, coal, gravel, lead, zinc or other minerals or hydro-carbons or other energy development of any sort or description and synthetic fuel facilities.
- e. To promote, finance and develop projects; facilities, services and industries pertaining to the development or improvement of: individual, commuting, airport and mass transportation; transportation generally; trucking; handling and shipping of goods; railroads, railroad rights-of-way; railroad equipment or rolling stock construction, repair or maintenance facilities; air transportation; public or mass transportation systems, facilities and equipment, and the financing of automobiles, trucks and vehicles of every sort and description; and other methods and modes of transporting people, goods and equipment of whatsoever kind or character, within the boundaries of the beneficiary and to provide additional employment or increase transportation efficiency which will benefit and strengthen the economy of the Beneficiary.
- f. To promote, finance and develop recreational, sports, cultural, tourism, entertainment and communication media projects or facilities including, but not limited to, mass-media broadcasting facilities such as radio, television and cable television equipment and facilities.
- g. To plan, establish, develop, construct, finance, enlarge, remodel; acquire, improve, alter, extend, maintain, equip, operate, lease, furnish and regulate any facilities related to any of the foregoing and, if desired, to lease such facilities and to operate the same in

connection therewith and to do, perform, own, acquire, construct or engage in or finance any other enterprise or activity, project or facility to such extent and in such manner as now is or may be considered a proper and lawful function of public trust entities within the State of Oklahoma.

2. To promote the development of adequate housing within the territorial limits of the beneficiary whether single family dwellings or multi-family dwellings:

- a. By making or committing to make or participating in the making of loans to non-profit sponsors of housing;
- b. By making or committing to make or participating in the making of loans to persons upon terms and conditions requiring such owners to use the proceeds of such loans to construct, acquire, rehabilitate or improve housing and such additional terms and conditions as may be set by the authority;
- c. By participating in all government agency programs relating to housing and housing projects;
- d. By participating in housing programs of all kinds to assist in providing, safe and sanitary housing to the residents of the beneficiary and surrounding community.

3. To provide funds and assistance for the purposes set out in this indenture which include, among others:

- a. the expansion of the supply of funds in the beneficiary available for new mortgage loans for housing; and
- b. the provision of the additional housing needed to remedy the shortage of such housing within the boundaries of the beneficiary and to upgrade substandard housing within the boundaries of the Beneficiary so as to eliminate the existence of substandard dwellings.

4. To hold, maintain and administer any leasehold rights in and to physical properties heretofore or hereafter demised to the beneficiary or the authority and to comply with the terms and conditions of any such lease.

5. To acquire by lease, purchase, production, reduction to possession or otherwise, and to plan, establish, develop, construct, enlarge, improve, extend, maintain, equip, operate, furnish, provide, supply, regulate, hold, store and administer any and all physical properties (real, personal or mixed), rights, privileges, immunities, benefits and any other thing of value, designated or needful for utilization in furnishing, providing or supplying the aforementioned services, utilities, buildings and facilities; to finance and refinance and to enter into contracts of purchase, lease-purchase or other interest in or operation and maintenance of said properties, and revenues thereof, and to comply with the terms and conditions of any such contracts, leases or other contracts entered into in connection with the acquisition, equipping, maintenance and disposal of any of said property; and to relinquish, dispose of, rent or otherwise make provisions for properties owned or controlled by the trust, but no longer needful for trust purposes.

6. To acquire, construct, reconstruct, extend, lease, purchase, install, equip, maintain, repair, enlarge, remodel and operate any property, improvements, buildings and other facilities of every nature for use by the state of Oklahoma, the United States of America, or the Beneficiary, or for use by authorities or agencies of the state of Oklahoma, the United States of America or the beneficiary or for the use of corporations, individuals, partnerships, associations or proprietary companies for industrial development; to plan, establish, develop, construct and enlarge railroad and railway facilities, trucking, air transportation, public or mass transportation, and all phases of transportation relating to commerce; improve, extend, replace, reconstruct, repair, operate and maintain railroad rights-of-way, trucking, air transportation, public or mass transportation projects, and related facilities; maintain, equip, operate, lease, furnish, provide, supply, regulate, hold, store and administer property, buildings, improvements and facilities of every nature, within the territorial boundaries of the beneficiary which may be useful in securing, developing and maintaining such facilities, functions or activities.

7. To perform, on behalf of the beneficiary, all functions, activities and powers authorized by industrial and economic development statutes as they from time to time exist.

8. To provide funds for the cost of financing, refinancing, acquiring, constructing, purchasing, equipping, maintaining, leasing, repairing, improving, extending, enlarging, remodeling, holding, storing, operating and administering any or all aforesaid property, improvements, buildings, facilities and all properties (real, personal or mixed) necessary or desirable for executing and fulfilling the trust purposes, as set forth in this instrument, and all other charges, costs and expenses necessarily incurred in connection therewith and in so doing, to incur indebtedness, either unsecured or secured by all or any

part of the trust estate and its revenues.

9. To expend all funds coming into the hands of the trustees as revenue or otherwise for the payment of any indebtedness incurred by the trustees for the purposes specified herein, and in the payment of the aforesaid costs and expenses, and in payment of any other obligation properly chargeable against the trust estate, and to distribute the residue and remainder of such funds to the beneficiary.

ARTICLE V

DURATION OF TRUST

This trust shall have duration for the term of duration of the beneficiary and until such time as its purposes shall have been fully fulfilled and all indebtedness of the authority is paid, or until it shall be terminated as hereinafter provided.

ARTICLE VI

THE TRUST ESTATE

The trust estate shall consist of:

1. The funds and property presently in the hands of the trustees or to be hereafter acquired or constructed by the trustees and dedicated by the trustor, the beneficiary and others to be used for trust purposes.

2. Any and all leasehold rights heretofore or hereafter remised to the trustees by the beneficiary, and others as authorized and empowered by law.

3. Any and all money, property (real, personal or mixed), rights, choses in action, contracts, leases, privileges, immunities, licenses, franchises, benefits, mortgages, mortgage loans, collateral and all other things of value heretofore or hereafter coming into the hands of the trustees under this trust indenture.

4. Cash in the sum of ten (\$10.00) dollars paid by the trustor to the trustees, receipt of which is hereby specifically acknowledged by the trustees.

ARTICLE VII
THE TRUSTEES

1. The trustees of this authority shall be seven (7) in number. The terms of office of the initial trustees shall be staggered as follows:

<u>Trustee Number</u>	<u>Initial Trustee</u>	<u>Term of Office</u>
Position One	Greg Shupert	Until 12:00 noon on the Second Monday following the general municipal election of the city of Blanchard in 2001.
Position Two	Tom Sacchieri	Until 12:00 noon on the Second Monday following the general municipal election of the city of Blanchard in 2001.
Position Three	Danny Walker	Until June 30, 2000.
Position Four	Jerry Stone	Until June 30, 2000.
Position Five	Ed Clouse	Until June 30, 2000.
Position Six	Noel Briley	Until June 30, 2002.
Position Seven	Harvey Ahl	Until June 30, 2002.

Upon the expiration of the terms of the trustees holding position one and position two, the city council of the city of Blanchard, Oklahoma shall appoint from the membership of the city council of the city of Blanchard successor trustees for terms of two years and successor trustees shall be appointed in a like manner, for a like term, during the same meeting that the city council of the city of Blanchard reorganizes as provided in Title 11, Oklahoma Statutes, §10-104 in each odd numbered year thereafter. Upon the expiration of the terms of office of the trustees holding positions three, four, five, six and seven, successor trustees shall be appointed by the city council of the city of Blanchard, Oklahoma, to serve four year terms. Upon the occurrence of a vacancy in the office of a trustee, a successor trustees all be appointed by the city council of the city of Blanchard to serve the remainder of the unexpired term of office. Upon taking the oath of office, but without any further act, deed or conveyance, individuals shall automatically become trustees of this trust and become fully vested with all the estate, properties, rights, powers, duties and obligations of their predecessor hereunder with like effect as if originally named as a trustee herein.

2. The trustees shall select one of their members to be chairman who shall preside at all meetings and perform other duties designated by the trustees. The trustees shall designate the time and place of all regular meetings. All actions by the trustees pursuant to the provisions of this trust indenture shall

be approved by the affirmative vote of at least a majority of the trustees qualified to act as such under the provisions of this trust indenture. The trustees shall select one of their members to be vice-chairman who shall act in the place of the chairman during the latter's absence or incapacity to act.

3. The trustees shall appoint a person who shall be the secretary of the trust. The secretary shall keep minutes of all meetings of the trustees and shall maintain complete and accurate records of all their financial transactions, all such minutes, books and records to be on file in the office of the trust. All meetings of the trustees shall be open to the public, and the books, records and minutes of the trustees shall be considered as public records and available for inspection at all times by any interested party. The trustees shall prescribe the other duties of the Secretary.

4. The trustees shall appoint a person who shall be the treasurer of the trust. The trustees shall prescribe the duties of the treasurer.

5. The trustees may appoint a general manager and/or executive director for the trust estate, and the trustees may employ such other clerical, professional, legal and technical assistance as may be deemed necessary in the discretion of the trustees to properly operate the business of the trust, and may fix their duties, terms of employment and compensation from the trust estate. All trustees shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their duties hereunder. In the event a general manager and/or executive director for the trust estate is appointed by the trustees, the said general manager and/or executive director shall administer the business of the trust estate as directed from time to time by the trustees.

6. The trustees are authorized to contract, in connection with the incurrence of any funded indebtedness secured by the trust estate and/or its revenues, or any part of either or both, that in the event of a default in the fulfillment of any contractual obligation undertaken on behalf of the trust estate or in the payment of any indebtedness incurred on behalf of the trust estate, that a temporary trustee or trustees or receiver shall be appointed to succeed to the rights, powers and duties of the trustees then in office. Any such contract, if made, may set forth the terms and conditions under which such temporary trustee or trustees or receiver may be appointed to operate the trust estate and may provide for compensation to be paid, and may provide for such appointment to be vacated and permanent trustees to be automatically reinstated upon termination of all defaults by which their appointment was authorized.

7. Bonds or other evidences of indebtedness to be issued by the trustees shall not constitute an indebtedness or obligation of the state or the

city of Blanchard, Oklahoma nor personal obligations of the Trustees, but shall constitute obligations of the trust only, payable solely from the sources specifically pledged to the moneys and payment thereof.

8. The trustees, the state, and the beneficiary shall not be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in good faith or in the exercise of their honest discretion in the performance of such trust or in the operation of the trust estate; but any act or liability for any omission or obligation of the trustees in the execution of such trust, or in the operation of the trust estate, shall extend to the whole of the trust estate or so much thereof as may be necessary to discharge such liability or obligation.

9. Notwithstanding any other provision of this indenture which shall appear to provide otherwise, no trustee or trustees shall have the power or authority to bind or obligate any other trustee, or the beneficiary, in his or its capacity, nor can the beneficiary bind or obligate the trust or any individual trustee.

10. The trust shall cause to be prepared annually at the close of each fiscal year of the trust an audit of the funds, financial affairs and transactions of the trust including, but not limited to, all fees, salaries and expenditures in exact amounts and specifying to whom such expenditures were paid. Such audit is to be certified with an unqualified opinion of an independent, certified public account. A copy of the annual audit of the trust shall be filed within the time period and in conformity with the provisions of Oklahoma law related thereto. Unless hereafter changed by specific resolution of the trustees, the fiscal year of the trust shall be July 1 to June 30 of the following year. All expense incurred in connection with the annual audits shall be paid from the trust estate.

11. Every person becoming a trustee shall first take the oath of office required of an elected public officer. The oath of office shall be administered by any person authorized to administer oaths in the state, and shall be filed with the clerk of the beneficiary. Every officer and employee who handles funds of the trust shall furnish a good and sufficient fidelity bond in an amount and with surety as may be specified and approved by the trustees; the trustees may, but shall not be obligated to, obtain bonds relating to the performance of their duties as trustees. Such bonds shall be in a surety company authorized to transact surety business in the state and the cost thereof shall be paid from the trust estate.

ARTICLE VIII

POWERS AND DUTIES OF THE TRUSTEES

To accomplish the purposes of the trust, the trustees shall have, in addition to the usual powers incident to their office and the powers granted to them otherwise by law or in other parts of this trust indenture, the following rights, powers, duties, authority, discretion and privileges, all to be exercised on behalf of and in the name of the authority:

1. To sue and be sued.
2. To have a seal and alter same at pleasure.
3. To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions hereunder.
4. To make and alter by-laws for its obligations and internal management as provided herein.
5. To make and alter rules and regulations pertaining to any loan or other program developed by the authority.
6. To acquire, lease, convey, or otherwise hold and dispose of real and personal property for its trust purposes; provided that, no purchaser at any sale or lessee under a lease made by the trustees shall be bound to inquire into the expediency, propriety, validity or necessity of such sale or lease or to see or be liable for the application of the purchase or rental monies arising therefrom.
7. To enter into contracts for sale of bonds, notes or other evidences of indebtedness, interim notes or bonds or other obligations of the trust and to issue the same for any of the purposes of the trust authorized hereby including, but not limited to: the acquisition, construction, reconstruction, equipping or otherwise financing facilities discussed in Article IV hereof or for any other lawfully permitted facilities which may be secured with mortgages, security interests or other collateral satisfactory to the trustees; making mortgage loans or purchasing mortgage notes secured by mortgages on dwellings; acquiring real or personal property or facilities at foreclosure of any loan or obligation or authorized to be acquired pursuant to the terms of this trust indenture or other purposes authorized under any instrument securing any indebtedness of the trust; refunding or advance refunding any outstanding indebtedness of the trust; creating any reserves or replacement funds, loan funds or other funds or accounts deemed advisable by the trustees in the furtherance of the trust purposes or in connection with the securing of any of the trust's debts or in

the administration of trust programs; and for any other purpose authorized by law and/or by Article IV hereof; and for those purposes the trustees may:

- a. Sell all bonds, notes or other evidences of indebtedness or obligations of the trust at public or private sale in whole or in installments or series and on such terms and conditions and in such manner as is prescribed by law and as the trustees shall deem to be in the best interest of the trust estate; and
- b. Appoint and compensate attorneys, paying agencies and corporate trustees in connection with the issuance of any such bonds, notes, evidences of indebtedness or other obligations of the trust; and
- c. Pay all expenses incident to the creation of any indebtedness or the issuance of any bonds, notes or other evidences of indebtedness including, but not limited to, printing expenses, feasibility studies, special consultants, travel expenses or reproduction expenses; and
- d. Create any reserve fund and any and all other funds and accounts as the authority shall deem necessary or desirable in connection with the issuance of any bonds, notes or other evidences of indebtedness.

8. To purchase or redeem their bonds, notes or other evidences of indebtedness in whole or in part prior to the stated maturity thereof as specified in any instrument authorizing the issuance or securing the payment of any such indebtedness.

9. To pledge any or all of the trust's revenues or assets to secure the payment of any of its indebtedness.

10. To enter into agreements with or participate in any programs of the beneficiary, the state of Oklahoma, or any agency or instrumentality thereof, the United States of America, or any agency or instrumentality thereof.

11. To enter into and execute, purchase, lease or otherwise acquire property, real, personal or mixed, contracts, leases, rights; privileges, benefits, chooses in action or other things of value and to pay for the same in cash, with bonds or other evidences of indebtedness or otherwise.

12. To fix, demand and collect charges, rentals and fees for the services and facilities of the trust and to discontinue the furnishing of services and facilities to, and foreclose on any collateral of, any person, firm, or corporation, or public instrumentality delinquent in the payment of any

indebtedness to the trust; to purchase and sell such supplies, goods and commodities as are incident to the operation of its properties.

13. To make and perform contracts of every kind including, management contracts, with any person, firm, corporation, association, joint venture, trusteeship, municipality, government, sovereignty or other entity; and without limitation as to amount, to draw, make, accept, endorse, assume, guarantee, account, execute and issue promissory notes, drafts, bills of exchange, acceptances, warranties, bonds, debentures and other negotiable or non-negotiable instruments, obligations and evidences of unsecured indebtedness, or of indebtedness secured by mortgage, deed of trust or otherwise upon any or all income of the trust, in the same manner and to the same extent as a natural person might or could do. To collect and receive any property, collateral, money, rents, or income of any sort and distribute the same or any portion thereof for the furtherance of the authorized Trust purposes set out herein.

14. To exercise or to request of, arrange or contract with the beneficiary or any governmental unit, agency or political subdivision thereof for the exercise of the power of eminent domain as necessary in establishing, operating, administering and maintaining any trust facilities, systems, projects or programs.

15. To expend all funds coming into the hands of the trustees as revenue or otherwise for the payment of any indebtedness incurred by the trustees for purposes specified herein, and in the payment of the aforesaid costs and expenses, and in payment of any other obligation properly chargeable against the trust estate, to from time to time transfer any surplus funds to the beneficiary as the authority in its sole discretion may determine and, upon termination of the trust, to distribute the residue and remainder of such funds to the beneficiary.

16. To contract for services with firms or persons or other units and entities of government or private entities or agencies to carry out the purposes of the trust; to apply for, contract for, receive and expend for its purposes, funds or grants from any governmental or non-governmental agency or entity, the beneficiary, the state, the federal government or any agency or department thereof, or from any other source.

17. To receive funds, money, property, collateral, services, rights and chooses in action from any source to finance the programs and operations of the trust; to receive grants, gifts, contributions and donations to carry out the purposes for which the trust is formed; to receive and accept from any federal, state or private agencies or entities, grants or loans for or in aid of the construction of any facility or system and to receive and accept aid or

contributions of money, labor or any other valuable things from any source.

18. To plan, coordinate, implement, administer or otherwise carry out public works or other projects or programs for public purposes for the benefit of the beneficiary.

19. To make, or commit to make, or participate in the making of mortgage loans whether for construction, for acquisition, financing or purchasing of housing.

20. To invest monies of the authority not required for immediate use, including proceeds from the sale of any bonds or notes, in accordance with the laws of the state.

21. To sell any mortgages or other personal property acquired by the authority at public or private sale and at such price or prices as it shall determine.

22. To renegotiate, refinance or foreclose, or contract for the foreclosure of any mortgage, security interest or other obligation in default; to waive any default or consent to the modification of the terms of any mortgage; to commence any action to protect or enforce any right conferred upon it by any law, mortgage, security interest, contract or other agreement, and to bid for and purchase such property at any foreclosure or at any other, sale, or acquire or take possession of any such property; to operate, manage, rehabilitate, improve, lease, dispose of, and otherwise deal with such property, in such manner as may be necessary to protect the interests of the trust and the holders of its bonds, notes or other obligations.

23. To renegotiate or refinance any loan in default; waive any default or consent to the modification of the terms of any loan, and commence any action or proceedings to protect or enforce any right conferred upon it by law, loan agreement, contract or other agreement.

24. To make and execute contracts and appoint agents for the administration or servicing of any loan made or acquired by the trust and pay the reasonable value of services rendered to the Trust pursuant to such contracts.

25. To sell any loans made or acquired by the trust at public or private sale and at such price or prices and on such terms as the trust shall determine.

26. To collect and pay reasonable fees and charges in connection with making, committing to make, purchasing or committing to purchase and servicing its mortgage loans, notes, bonds, commitments and other evidences of indebtedness.

27. To procure insurance against any type loss in such amounts, and from such insurers, as it may deem necessary or desirable.

28. To consent, whenever it shall be deemed necessary or desirable in the fulfillment of its trust purposes, to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract or agreement of any kind to which the trust is a party.

29. To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted herein, and to do all other acts in their judgment necessary or desirable, for the proper and advantageous management, investment and distribution of the trust estate and income therefrom.

30. To exercise exclusive management and control of the properties of the trust estate.

31. To contract for the furnishing of any services or the performance of any duties that they may deem necessary or proper and pay for the same as they see fit.

32. To select depositories for the funds and securities of this trust.

33. To compromise any debts or claims of or against the trust estate, and adjust any dispute in relation to such debts or claims against the trust estate upon any evidence deemed by the trustees to be sufficient. The trustees may bring any suit or action, which in their judgment is necessary or proper to protect the interest of the trust estate, or to enforce any claim, demand or contract for the trust; and they shall defend, in their discretion, any suit against the trust, or the trustees or employees, agents or servants thereof. They may compromise and settle any suit or action, and discharge the same out of assets of the trust estate, together with court costs and attorney's fees. All such expenditures shall be treated as expenses of executing this trust.

34. To do each and all things necessary to implement the purposes of this trust as set out herein, and to that end Article IV "*Purposes of Trust*" is incorporated in its entirety under this "*Powers*" Article for the purpose of insuring that all appropriate power is granted to the trustees to accomplish the purposes hereof without inhibition.

ARTICLE IX

SUPERVISORY CONTROL

The trust created hereby and the trustees appointed hereunder are subject to such supervision and control as may be determined from time to time by the legislature of the state or by regulations that may be issued by departments or agencies of the United States of America, to insure the tax exempt status of any bonds, notes or other evidences of indebtedness issued by the authority.

ARTICLE X

BENEFICIARY OF TRUST

1. The beneficiary of this trust shall be the city of Blanchard, Oklahoma, a municipal corporation, under and pursuant to Title 60, Oklahoma Statutes 1991, §§176 to 180.4, inclusive, as amended and supplemented, and other applicable statutes of the state presently in force and effect.

2. The beneficiary shall have no legal title, claim or right to the trust estate, its income, or to any part thereof or to demand or require any partition or distribution thereof. Neither shall the beneficiary have any authority, power or right whatsoever, to do or transact any business for, or on behalf of or binding upon the trustees or upon the trust estate, nor the right to control or direct the actions of the trustees pertaining to the trust estate or any part thereof, except as herein provided. The beneficiary shall be entitled solely to the benefits of this trust as administered by the trustees hereunder, and at the termination of the trust, as provided herein, and only then, the beneficiary shall receive the residue of the trust estate.

ARTICLE X

ADOPTION AND AMENDMENT OF BY-LAWS; AMENDMENT AND TERMINATION OF TRUST

This trust indenture may be amended by an affirmative vote of at least a two-thirds (2/3) majority of all trustees and any such proposed amendment shall be further approved by at least a two-thirds (2/3) majority affirmative vote of all of the members of the governing body of the beneficiary before becoming effective.

The trustees, by an affirmative vote of a majority of all trustees, may adopt, alter and amend by-laws of the trust.

PROVIDED, HOWEVER, that this trust indenture shall not be subject

to revocation, alteration, amendment, revision, modification or termination in any manner which would be adverse to the interest of the holders of any evidence of indebtedness of the trust without the consent of holders of indebtedness who would be adversely affected, which consent may be given by less than all of such holders, if so provided in any resolution, indenture or agreement relating to such indebtedness.

This trust shall terminate:

1. When the purposes set out in Article IV of this instrument shall have been fully executed; or

2. In the manner provided by Oklahoma law. Provided, however, that this trust shall not be terminated by voluntary action while there be outstanding indebtedness or fixed obligations of the trustees, unless all owners of such indebtedness or obligations shall have consented in writing to such termination, provided that such consent may be given by less than all of such holders, if so provided in any resolution, indenture or agreement relating to such indebtedness.

Upon the termination of this trust, the trustees shall proceed to wind up the affairs of this trust, and after payment of all debts, expenses and obligations out of the monies and properties of the trust estate to the extent thereof, the trustees shall distribute the residue of the money and properties of the trust estate to the beneficiary hereunder. Upon final distribution, the powers, duties and authority of the trustees hereunder shall terminate.

ARTICLE XII

The trustees accept the trust herein created and provided for, and agree to carry out the provisions of this trust indenture on their part to be performed.

IN WITNESS WHEREOF, the trustor and the trustees have hereunto set their hands on the day and year indicated.

/s/ Joseph P. Hyde
Joseph P. Hyde, Trustor

/s/ Tom Sacchieri
Tom Sacchieri, Trustee

/s/ Greg Shupert
Greg Shupert, Trustee

/s/ Harvey Ahl
Harvey Ahl, Trustee

STATE OF OKLAHOMA }
} **ss**
COUNTY OF McClain }

BEFORE ME, the undersigned, a notary public in and for the above county and state, on the 27th day of October, 1999, appeared JOSEPH P. HYDE, further known to me to be the identical person who subscribed said person's name to the foregoing instrument, as TRUSTOR, and acknowledged to me that said person executed the same as said person's free and voluntary act and deed, for the uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year aforesaid.

/s/ Diane G. McCoy
Notary Public

(SEAL)
My Commission expires: 01-21-01

STATE OF OKLAHOMA }
 } ss
COUNTY OF McClain }

BEFORE ME, the undersigned, a notary public in and for the above county and state, on the 27th of October, 1999, appeared GREG SHUPERT, further known to me to be the identical person who subscribed said person's name to the foregoing instrument, as TRUSTEE, and acknowledged to me that said person executed the same as said person's free and voluntary act and deed, for the uses and purposes therein mentioned and set forth.

/s/ Diane G. McCoy
Notary Public

My Commission expires: 01-21-01

STATE OF OKLAHOMA }
 } ss
COUNTY OF McClain }

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year aforesaid.

/s/ Diane G. McCoy
Notary Public

My Commission expires: 01-21-01

STATE OF OKLAHOMA }
 } **ss**
COUNTY OF McCLAIN }

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year aforesaid.

/s/ Diane G. McCoy
Notary Public

My Commission expires: 01-21-01

BEFORE ME, the undersigned, a notary public in and for the above county and state, on the 26th day of October, 1999, appeared JERRY STONE, further known to me to be the identical person who subscribed said person's name to the foregoing instrument, as TRUSTEE, and acknowledged to me that said person executed, the same as said person's free and voluntary act and deed, for the uses and purposes therein mentioned and set forth.

/s/ Diane G. McCoy
Notary Public

My Commission expires: 01-21-01

BEFORE ME, the undersigned, a notary public in and for the above county and state on 27th day of October, 1999, appeared ED CLOUSE, further known to me to be the identical person who subscribed said person's name to the foregoing instrument, as TRUSTEE, and acknowledged to me that said person executed the same as said person's free and voluntary act and deed, for the uses and purposes therein mentioned and set forth.

/s/ Diane G. McCoy
Notary Public

My Commission expires: 01-21-01

STATE OF OKLAHOMA }
} **ss**
COUNTY OF McClain }

BEFORE ME, the undersigned, a notary public in and for the above County and state, on the 2nd day of November, 1999, appeared NOEL BRILEY, further known to me to be the identical person who subscribed said person's name to the foregoing instrument, as TRUSTEE, and acknowledged to me that said person executed the same as said person's free and voluntary act and deed, for the uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year aforesaid.

/s/ Diane G. McCoy
Notary Public

(SEAL)

My Commission expires: 01-21-01

STATE OF OKLAHOMA }
 } ss
COUNTY OF McClain }

ACCEPTANCE

KNOW ALL MEN BY THESE PRESENTS:

That the governing body of the city of Blanchard, state of Oklahoma, hereby accepts the beneficial interest in the trust created by the within and foregoing trust indenture for and on behalf of said city in all respects in accordance with the terms of said trust indenture.

WITNESS my hand as vice-mayor of said city, attested by the clerk of said city, pursuant to direction of the governing body of said city, this 13th day of October, 1999.

BLANCHARD, OKLAHOMA

/s/ Tom Sacchieri
Vice-Mayor, Tom Sacchieri

ATTEST:

/s/ Diane G. McCoy
City Clerk

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