

PAWNEE, OKLAHOMA

CODE OF ORDINANCES JANUARY 2019

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**CHAPTER 1 - AGENCIES, OFFICERS AND
EMPLOYEES**

Section 1.101. Officers.

The elective officers of the City of Pawnee, shall consist of a Mayor, City Clerk, City Treasurer, Marshal, Street Commissioner and two Councilmen chosen from each ward, in a manner and for a term prescribed by the Statutes of Oklahoma.

Section 1.102. Appointive Officers.

The appointive Officers of the City of Pawnee, shall consist of an Assistant Marshal, City Engineer, City Superintendent of Public Health, Chief of Fire Department, City Attorney and such others as the Mayor and Councilmen shall provide for as provided by law. Such appointive officers shall hold their offices until removed by the Mayor and Councilmen in the exercise of their discretion.

Section 1.103. Oath.

All officers, elective and appointive, including salaried employees, of this City of Pawnee, before entering upon the duties of their respective offices, shall make and subscribe to the following oaths or affirmations, to-wit:

"OATH OF OFFICE"

STATE OF OKLAHOMA, PAWNEE COUNTY, SS:

I, _____, do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law; I further swear (or affirm) that I will faithfully discharge my duties as _____ to the best of my ability.

Subscribed and sworn to before me this ___ day of _____, 1994.

(SEAL)

Notary Public _____

My Commission expires _____

"LOYALTY OATH"

I do solemnly swear (or affirm) that I will support the Constitution and the laws of the United States of America and the Constitution and the laws of the State of Oklahoma, and that I will faithfully discharge, according to the best of my ability, the duties of my office or employment during such time as I am _____ (Place name of office, or, if an employee, insert "An Employee of _____" (followed by the complete designation of the employing officer, agency, authority, commission, department or institution).

Affiant _____

Subscribed and sworn to before me this ___ day of _____, 20__.

(Seal)

Notary Public or other Officer authorized to administer oaths or affirmations.

Section 1.104. Bond.

Each and every elected or appointed officer of the City of Pawnee, shall, before entering upon their duties, give bonds with some authorized surety company as surety thereon, conditioned that he shall faithfully discharge the duties of the respective office and will strictly account for all monies given within thirty (30) days after election or appointment and the premium thereon shall be paid by the City. The Treasurer shall give bond in a sum equal to the estimated revenue and monies coming into his possession in the fiscal year at hand. The City Clerk shall give bond in the sum of five thousand (\$5,000.00) dollars. All others required by this section to give bond shall do so in the sum of one thousand (\$1,000.00) dollars, provided that the Mayor and Councilmen may require a less amount for bonds, by resolution.

Section 1.105. City Officials Excepted.

No member of the City Council, or other officer of this City shall be accepted as security on any official bond, contractor's bond license or appeal bond, given to the City, nor become surety or warranter on any obligation due to the City.

Section 1.106. Form of Bond.

No official shall be approved by the Mayor and Councilmen unless the form thereof shall have been first approved by the City Attorney, and attested by his endorsement thereon.

Section 1.107. Compensation.

The officers and employees of the City of Pawnee, Oklahoma, shall receive the following salaries and fees:

- A. The pay period or the designated elected officials of the City of Pawnee shall be figured on a monthly basis payable semi-monthly. The designated elected officials enumerated hereinafter who take office in 20031 shall be paid the following salaries each month:
 1. Mayor - \$4,458.75 per month
 2. Councilmen - \$128.25 per month
 3. Clerk - \$4,012.91 per month
 4. Marshal- \$128.26 per month
 5. Street Commissioner - \$3,539.33 per month
- B. PROVIDED, however, that at the beginning of the fiscal year 2002- 20031, and each subsequent fiscal year, the above salaries shall be increased by an amount that is computed by multiplying the average

percentage increase granted all other City employees during the previous fiscal year times the salaries of the above designated officers during the previous fiscal year.²

- C. Any new City Council person elected after the existing terms of Ralph Roberts, Gary Stewart and Arthur Thompson expire shall have not further insurance under the City insurance plan.
- D. All other nonelected officers and employees of the City of Pawnee, Oklahoma, shall receive such salaries as may be provided by Resolution.
- E. That no warrant shall be drawn by any officer or employee until all reports required by the Mayor or City Council; by Ordinance or otherwise, have been made strictly as required by said Ordinance or other act.

Section 1.108. At Will Employment – Termination.

All employees of the City of Pawnee shall serve at the will of the Mayor and shall be terminated as such.

Section 1.109. Vacancies.

All officers elected or appointed shall be qualified electors of the City, and all Councilmen, shall be actual residents of the ward from which they may be elected; and the removal of any officer from the City or of any Councilmen from the ward from which he was elected, shall cause a vacancy in said office. Vacancies in office shall be filled by appointment by the-city Council. In case of a vacancy in the office of Mayor, more than ninety (90) days prior to the regular election, the president of the council or the person acting as Mayor shall cause a new election to be held, giving ten (10) days notice thereof by proclamation at which time a Mayor shall be elected to fill the unexpired term.

Section 1.110. Leave of Absence.

Any officer desiring to be temporarily absent from the City shall apply to the Mayor for leave of absence, which may in the discretion of the Mayor, be granted for any term not exceeding thirty (30) days. All such leaves shall be filed with the Clerk. Any officer who absents himself from the City for sixty (60) days or more, shall forfeit his salary during such absence, and if absent ninety (90) days, his office may be declared vacant by the Mayor and Councilmen.

Section 1.111. Duty of Officer Leaving Office.

Every officer, shall, upon going out of office, deliver to his successor all books, papers, furniture, and other things appertaining to his office.

Section 1.112. Inspection of Office.

Every officer, shall at any time required, submit to the inspection of the Mayor or any member of the City Council, all books and papers of his office.

Section 1.113. Conflicts.

No officer of this City, nor any deputy, clerk or employee, of any such officer, nor any servant or agent of this City, shall directly or indirectly, himself or by another, for his own

or another's benefit deal in the purchase of City warrants, bonds, contracts, or obligations of this City or become personally interested in any contract with the City, for his own benefit.

Section 1.114. Collection of City Moneys.

No City Officer collecting money on account of the City of Pawnee, shall retain the same, or any part thereof, to satisfy any claims for wages which he may have against the City.

Section 1.115. Written Reports.

All officers of the City shall, in addition to the reports by Ordinances required to be made by them, report to Mayor and Councilmen, in writing when required, the condition of their respective offices, and of the business and all matters therein touching interest of the City.

Section 1.116. Requiring Resignation of Any Employee Prior to Becoming a Candidate for Elective City Office.

REPEALED.

Section 1.117. Providing Exceptions.

PROVIDED, however, if vacancy occurs in an elective office by retirement, death, resignation or the like, no such resignation shall be required for such employee to run for the office.

Section 1.118. Retirement Pension.

No person drawing a retirement pension from the City of Pawnee may also work for the City of Pawnee in a paid, full-time position, effective September 1, 2018, except that a retired former employee may continue to serve the City of Pawnee by:

- A. Working in the capacity as a firefighter or ambulance personnel who is paid only on a per-run basis,
- B. Working in a short-term, temporary position pre-approved by the City Council as an emergency need,
- C. Working in the capacity of a volunteer who is willing to provide services to the City as approved in advance in writing by the Mayor for specified tasks and specified time frames.

All short-term and volunteer work for the City by retired and former employees must be approved in writing in advance by the Mayor, and the City Council informed of the approved volunteer contributions to the City.

Section 1.200. The Mayor.

Section 1.201. Presiding Officer.

The Mayor shall preside at all meetings of the Council, and shall certify to the correct enrollment of all Ordinances and Resolutions passed by it. The Mayor is not considered a member of the Council for quorum or voting purposes; except that he may vote on questions under consideration by the Council only when the Council is equally divided.

Section 1.202. Sign Commissions – Approve Bonds.

The Mayor shall sign the commissions and appointments of all officers elected or appointed, and shall endorse the approval of all official bonds approved by the Mayor and Councilmen.

Section 1.203. Sign Warrants.

The Mayor shall sign all orders and warrants drawn upon the Treasury for money, and require the City Clerk to attest the same, and to affix thereto the seal of the City and keep an accurate record thereof in a book provided for that purpose.

Section 1.204. Veto Power.

The Mayor may sign or veto any City Ordinance or Resolution passed by the City council. Any Ordinance or Resolution vetoed by the Mayor may be passed over his veto by a vote of two-thirds (2/3) of all the members of the Council. If the Mayor neglects or refuses to sign any Ordinance or return it with his objections in writing at the next regular meeting of the Council, the Ordinance shall become law without his signature.

Section 1.205. Supervision and Reports.

The Mayor shall supervise and control all administrative departments, agencies, officers, and employees, act promptly on a charge of neglect or violation of duty of any officer or employee, and require any officer to account for and report to the Council in writing on any subject pertaining to the duties, powers, or functions of the officer when the Mayor deems necessary.

Section 1.206. Other Powers.

The Mayor shall be active and vigilant in enforcing all laws and Ordinances, and shall cause all officers to be dealt with promptly for neglect or violation of their duty. The Mayor shall have such other powers, duties and functions as may be prescribed by law or by Ordinance.

Section 1.208. Power to Remit Fines, etc.

The Mayor shall have the power to grant pardons for violation of City Ordinances, including the remission of fines and costs, subject to the approval of the Council. Said approval may only be given at a meeting of the Council after the reasons and order of remission or pardon have been entered on the journal; and the Mayor may remove or suspend City officers or employees against whom charges of incompetency, neglect, or violation of duty are made, until such time as the Council shall take action on the charges.

Section 1.209. Vacancy in Office.

When a vacancy occurs in the office of Mayor less than ninety (90) days before the next regular municipal election, the president of the City Council shall act as Mayor until the next regular municipal election, at which time the registered voters of the City shall elect a person to fill any unexpired term, and until a Mayor is elected and qualified for office. If the vacancy in the Mayor's Office occurs more than ninety (90) days before the next regular municipal election, the acting Mayor shall cause a special election to be held for the purpose of electing a Mayor for the duration of the unexpired term. The acting Mayor shall be entitled to receive the same compensation as the Mayor would be entitled to.

Section 1.210. Power of Appointment.

The Mayor shall appoint, by and with the consent of the City Council, all officers whose appointment is not otherwise by law or Ordinance provided for; and whenever a vacancy shall happen in any office which by law he is empowered to fill, he shall, within thirty (30) days after the happening of such vacancy, communicate to the council the name of his appointee to such office, and pending the concurrence of the council in such appointment, the Mayor may appoint some suitable person to discharge the duties of such office. The officers so appointed shall hold their offices until their successors are chosen and qualified unless sooner removed by the appointing power for cause.

Section 1.300. Council

Section 1.301. Council Meetings.

Regular meetings of the City Council of the City of Pawnee, Oklahoma, shall be held on the first and third Monday evenings of each month at 7:00 P.M. Special meetings may be called by the Mayor or acting Mayor, upon request or notice, in writing, signed by at least three (3) members of the Council, specifying, the object and purpose of such meeting, by request or notice in writing, which shall be read at the meeting and entered at length in the journal, and no business shall be transacted at such meeting except that specified in the request. In all cases, it shall require a majority of the Councilmen elected to constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the Councilmen may, by Ordinance have previously prescribed. PROVIDED, all shall comply with the open meeting laws.

Section 1.302. Council President.

The Council shall elect one of its own body who shall be styled the president of the council, and who shall preside at all meetings of the council. In the absence of the Mayor; and in the absence of the president, the Council shall elect one of its own body to occupy the place temporarily, who shall be styled acting president of the council; and the president and acting president, when occupying the place of Mayor shall have the same privileges as other members of the council, and all acts of the president or acting president, while so acting, shall be as binding upon the council and upon the City as if done by the Mayor.

Section 1.303. Resignation.

The resignation of any member shall be addressed to the presiding officer of the council, and shall not take effect until accepted by a majority of vote of the members present.

Section 1.305. City Marshal to Attend Council Sessions.

The City Marshal at the request of the Mayor shall attend the sessions of the council and execute all orders of the council to him directed.

Section 1.306. Vacancy in Office.

In case of a vacancy in the office of Councilmen from any ward, the Mayor and Councilmen shall appoint Councilmen residing in the ward, in which such vacancy occurs, which is valid, until the next ensuing election.

Section 1.307. Meeting Rules and Regulations.

The council in the transaction of business shall be governed by the following regulations:

- A. RULE I. At the hour appointed for the meeting of the council, the Clerk, (or someone filling his place) shall, on the order of the Mayor, call the roll of members. A majority of all the members elected to the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members. The following shall be the order of business, unless otherwise temporarily ordered by a two-thirds vote:
- B. ORDER OF BUSINESS
 - 1. Roll Call.
 - 2. Reading Journal.
 - 3. Claims.
 - 4. Petitions and Communications.
 - 5. Reports of City officers.
 - 6. Report of standing committees.
 - 7. Reports of special committees.
 - 8. Ordinances and Regulations.
 - 9. Unfinished business.
 - 10. Adjournment.
- C. RULE II. The Mayor shall preserve order and decorum, may speak on points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to appeal to the council by any member; on which appeal no member shall speak more than once, unless by leave of the council.
- D. RULE III. All committees shall be appointed by the Mayor unless otherwise specially directed by the Councilmen.
- E. RULE IV. In all cases where other than a member of the council shall be eligible to an office by the election of the council, there shall be a previous nomination by the Mayor and Councilmen.
- F. RULE V. All Ordinances, orders, appointments and licenses shall be signed by the Mayor.
- G. RULE VI. The Mayor or president presiding shall vote on all questions where there is a tie vote.
- H. RULE VII. When any member is about to speak or otherwise present any matter to the council, he shall confine himself to the matter under consideration, and avoid personalities.

- I. RULE VIII. When two or more members happen to rise at the same time the Mayor shall name the member who is first to speak.
- J. RULE IX. No member shall speak more than once on the same question, without leave of the council, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply but not until every member choosing to speak shall have spoken.
- K. RULE X. When the Mayor is putting any question, or addressing the council, none shall walk out or cross the hall; nor in such case, or when a member is speaking, entertain private discourse.
- L. RULE XI. Every member who shall be in the council when the question is put, shall give his vote, unless the council, for special reasons shall excuse him. All motions to excuse a member from voting shall be made before the council and before the call of the ayes and nays are commenced, and any member requesting to be excused from voting may make a brief verbal statement of the reason for making such request, and the question shall then be taken without further debate.
- M. RULE XII. When a motion is made and seconded, it shall be stated by the Mayor; or, being in writing, it shall be handed to the chair, and read aloud by the Clerk before debate.
- N. RULE XIII. Every motion shall be reduced in writing, if the Mayor or any member request it.
- O. RULE XIV. After the motion is stated by the president, or read by the Clerk, it shall be deemed to be in possession of the council, but may be withdrawn at any time before a decision or amendment.
- P. RULE XV. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, or amend, which several motions shall have precedence in the order in which they are named in this rule.
- Q. RULE XVI. A motion to adjourn, and a motion to fix the day to which the council shall adjourn, shall always be in order; these motions, and the motion to lie on the table, shall be decided without debate.
- R. RULE XVII. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution, shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the council.
- S. RULE XVIII. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, at the same or succeeding session, and such motion shall take precedence of all other questions except a motion to adjourn. The motion to reconsider shall require for its adoption the same vote as was required on the vote reconsidered.
- T. RULE XIX. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the council.

- U. RULE XX. Any two members shall be authorized to compel the attendance of absent members; and any one member, shall have the right to call the ayes and nays.
- V. RULE XXI. Upon roll calls of the council, or in taking the ayes and nays upon any question, the names of the members shall be called alphabetically.
- W. RULE XXII. In all cases where a resolution or a motion shall be entered on the minutes of the council, the name of the member moving the same shall also be entered on the journal.
- X. RULE XXIII. No member shall absent himself from the service of the council unless he shall have leave, be sick or unable to attend.
- Y. RULE XXIV. The Marshal, shall be the ex-officio sergeant at arms, whose duty it shall be to attend the council during its session; to execute the commands of the council from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the president, Mayor or Police Judge.
- Z. RULE XXV. All meetings shall be conducted in sessions open for the attendance of the public, in accordance with 25 O.S.A. §301 et seq. including provisions of §307 concerning executive sessions.
- AA. RULE XXVI. The several standing committees of the council and select committees, shall have leave to report by bill or otherwise and shall in all cases report in writing the state of facts, together with their opinions or recommendations.
- BB. RULE XXVII. All questions or orders shall be noted by the Clerk, with the decision, and put together at the end of the journal of every session.
- CC. RULE XXVIII. Every Ordinance shall be dispatched in the order they are introduced unless the council shall otherwise direct. Each and every Ordinance shall pass a first and second reading to, as herein specified. When introduced, and the same is entered in the journal, including its author, the proposed Ordinance shall stand on its first reading. On first reading it shall be read by title only, unless requested, by the Mayor or any member of the council, to be read at length, whereupon it shall be so read. In either case, the Clerk, shall, when the reading as herein described is completed, announce the Ordinance passed to its second reading and properly enter the fact in his journal. On second reading, the proposed Ordinances shall first be read and voted upon section by section, after which a final vote shall be taken on the question "shall the Ordinance in full be passed and approved".
- DD. RULE XXIX. No standing rule or order of the council shall be rescinded, changed, or suspended, except by a vote of at least three-fourths of the members elected, excepting in the case of a vacancy caused by death, protracted sickness, or removal of councilman, when a majority will be sufficient. The order of business, as established by the rules of the council, shall not be postponed or changed, except by a vote of at least three-fourths of the members elected.

- EE. RULE XXX. No Ordinance or bill which has once been passed or rejected shall be called up for consideration during the session, unless three-fourths of the councilmen shall be in favor of taking up the same.
- FF. Rule XXXI. All Resolutions involving the expenditure of money shall be referred to an appropriating committee, unless otherwise ordered by the councilmen.
- GG. Rule XXXII. Upon the passage of all Ordinances appropriating money the ayes and nays shall be entered on the record of the City Council, and a majority of all the councilmen elected shall be necessary to their passage.
- HH. RULE XXXIII. The rules of parliamentary practice comprised in Robert's Manual shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Council.

Section 1.400. City Clerk.

Section 1.401. Clerk – Keep Office.

The City Clerk shall keep the office at such place in the City as may be provided by the City Council. The office shall be open every day, Saturdays, Sundays and legal holidays excepted, at all times between the hours of 8:00 a.m. and 4:30 p.m. The City Clerk shall, in addition to the duties imposed by general law, perform such duties as may be imposed by Ordinance.

Section 1.402. Custody of Papers.

The Clerk shall, after being duly qualified and sworn, take possession of all books, papers, and all other property of the nature of records belonging to the City and to his office, and shall keep the same in a safe and convenient place, subject to the inspection of any member of the council within the office hours.

Section 1.403. Duties.

The City Clerk shall attend the meetings of the council, shall keep a correct and complete record of the meetings, of said council, together with all claims against the City to be filed in his office. A written copy of the tentative minutes of all meetings of the council shall within five (5) days after such meeting be furnished by the Clerk to any newspaper located in Pawnee County requesting the same. When claims have been duly allowed by said council, he shall draw warrants on the Treasurer for the same, taking receipt therefore. He shall make a statement at the first meeting in each month of the amount of such warrants issued as well as receipts for licenses; he shall draw all licenses that may be ordered by the council and authorized by Ordinance and make a record of each and all such licenses.

Section 1.404. Removing Records.

The City Clerk shall permit no records, public papers, or other documents of the City, kept and preserved in his office, to be taken there from, except by such officers of the City as may be entitled to the use of the same, and then only upon their leaving a receipt therefore.

Section 1.405. Prepare Commission.

The City Clerk shall prepare all commissions of officers which the Mayor is required to sign, and countersign the same and affix the seal of the City thereto. He shall keep a complete record of all commissions issued, and of the official oaths and bonds of the City officer.

Section 1.406. Ordinance Commission.

The City Clerk shall procure at the expense of the City a blank book, properly indexed, in which he shall keep all original Ordinances of the City hereafter passed. In a separate book to be kept for that purpose, he shall keep printed copies of all Ordinances hereafter passed with the printer's certificate of publication thereto attached, and he shall index the same under their respective heads or titles.

Section 1.407. Claims Register.

The City Clerk shall keep a register of claims and bills filed with him against the City, which claims shall be numbered on the back thereof, consecutively, corresponding with the number of such claims upon the register. Said claim register shall show in one column the number of the claims and in separate column, respectively, the name of the claimant, date of filing, amount thereof, for what purpose, on what fund, date paid, and number of the warrant by which it is paid. It shall be the duty of the City Clerk to keep all claims against one fund separate and apart from other funds and each such claim shall show upon its face the particular fund to which the same, is by law, chargeable. All claims against the City shall be filed with the City Clerk. The Clerk shall draw warrants against the City Treasurer, but no warrant shall be drawn until first authorized by the Mayor and Councilmen.

Section 1.408. Notice Record.

The City Clerk shall also procure a blank book with proper index in which he shall keep a copy of all notices required to be published or posted by said Clerk by order of the council or under the general Ordinances of the City, to which notices shall be attached in said book the printer's affidavit of publication in such cases notices are required to be published, or the Clerk's certificate under the seal of the City. In cases where the same are required to be posted only, which certificate shall show that the such notices are a true copy of the notices so posted by him, the number so posted, and the dated of posting the same, and whether done by special order of the council, giving date thereof, or by general Ordinance.

Section 1.409. License Record.

The City Clerk shall also procure a blank book with proper index in which he shall keep a record of all licenses issued by him under the Ordinances of said City, showing the date of the issuing of the same, to whom; issued, the time for which the same are issued, and the amount paid to the Treasurer for the same; and the entries therein shall be competent proof of the fact and sufficient evidence thereof.

Section 1.410. Permit Record.

The City Clerk shall procure a blank book with proper index in which he shall keep a record of all building or other

permits issued by the council, showing the date of issuing the same, to whom issued, and the amount paid for the same.

Section 1.411. Petition Record.

The City Clerk shall keep in a suitable book a record of all petitions under which the council shall order public work to be done at the expense of property fronting thereon, together with all resolutions and Ordinances relating to the same.

Section 1.412. Deliver Communications.

The City Clerk, shall, without unnecessary delay, deliver to the officers of the City, and to all committees of the City Council, all resolutions and communications referred to those officers or committees by that body. He shall also, in the same manner deliver to the Mayor all Ordinances or Resolutions which may require the Mayor's approval or other action to be taken by him.

Section 1.413. Certified Copies.

The City Clerk shall furnish certified copies of all Ordinances hereafter passed by the Council and shall preserve the original in his office. He shall not; be obliged to furnish written copies of Ordinances or other papers for the use of any City officer without charge, attest any copy of paper, document, or record, presented to him, and affix the seal of the City thereto. He shall be entitled to receive Five Dollars (\$5.00) for every certificate, with seal affixed, made for individual use, and shall be allowed to charge at the rate of twenty-five cents (\$.25) per page for copying all Ordinances, papers, records, or council proceedings, desired for individual use, to be paid by the party ordering the same, such charges to be deposited to the General Fund.

Section 1.414. Filing.

The City Clerk shall endorse the date of filing, together with an abstract of its contents upon every paper or document filed in his office. And all books and records kept by him shall be fully and properly indexed.

Section 1.415. Seal.

The City Clerk shall be the custodian of the corporate seal of the City of Pawnee, and shall affix the same to all documents requiring the same.

Section 1.416. Deputy City Clerk.

The City Clerk may, when authorized by resolution of the council appoint a deputy, who in the absence of the Clerk, in case of sickness or otherwise, shall be empowered to perform all duties of the City Clerk; PROVIDED: Such appointment shall first be approved by the Mayor and Councilmen.

Section 1.417. Monthly Reports.

The City Clerk shall make monthly reports to the Mayor and Councilmen at the first regular monthly meeting and at such other times as they may require, giving in detail a statement of all receipts and expenditures of money belonging to the City.

Section 1.418. Destroying Records.

The City Clerk is authorized each year to destroy, sell for salvage, or otherwise dispose of the following papers, documents and records after the expiration of the following periods of time:

A. Two years:

1. Water sewer, garbage and utility receipts that have been audited; time shall begin to run from the issuance date;
2. Miscellaneous petitions and letters addressed to the governing body on matters other than those included in paragraphs B, C, and D of this section; time shall begin to run from date on petitions and on letters;
3. Fire Run Contracts: Time shall begin to run from the expiration date of such contracts.

B. Five years:

1. Successful and unsuccessful bids for the purchase of furnishing of equipment material and improvements; time shall begin to run from bid date;
2. Claims that have been denied: time shall begin to run from date of denial;
3. License applications and bonds required in connection therewith; time shall begin to run from expiration date of license;
4. Special, primary and general election payrolls, election tabulation and tabulation and returns; time shall begin to run from date of election.
5. Department reports; withholding statements; garnishment records; time shall begin to run from date of filing or date of issuance;
6. Traffic tickets and receipts; bond receipts given in cases in which persons post bonds for violation of Ordinances; and fine receipts; time shall begin to run from date of issuance.
7. Paid general obligation and revenue bonds: time shall begin to run from date of payment of the last bond paid in each particular issue;
8. Paid street improvement sewer and sidewalk district bonds, (and) warrants, claims, check, vouchers, purchase orders, and payrolls (issued, made up, or used in connection with such bonds); time shall begin to run from date of payment of all bonds issued for each improvement district.

C. Ten years:

1. Inspection records other than inspection records of public improvements of the municipality; inventories; time shall begin to run from date filed;
2. Warrants, claims, checks, vouchers, purchase orders, and payrolls, (other than those listed in

paragraph B8 of this section); time shall begin to run from date on instrument or date made up;

3. Appropriation ledgers; time shall begin to run from the end of fiscal year in which ledger was made;

4. Sidewalk assessment records except payment records; time shall begin to run from date assessment becomes final.

D. Fifteen Years:

1. Sewer and street improvement district records except payment records; time shall begin to run from date assessments become final;
2. Municipal Court files;
3. Papers pertaining to violations of City Ordinances except Court dockets (which shall be excluded from this Act); time shall begin to run from the date on such papers.

None of the above mentioned records, papers or documents pertaining to pending litigation shall be disposed of until such litigation finally is determined.

This section shall not be construed to authorize or allow the destruction of any testing laboratory results or the inspection records of public improvements of a municipality.

Section 1.500. City Clerk.

Section 1.501. Duties.

The City Clerk shall receive all monies due the City from any and all sources (except such as are received by other officers and by them paid to the City Clerk) and pay out the same on warrant ordered by the City Council, draws, signed and attested by the Clerk with the City seal attached and signed by the Mayor and not otherwise. At the expiration of the term of his office he shall deliver to his successor in office, all monies, books, papers and records connected with his office,

Section 1.502. Accounts.

The Clerk shall keep the cash accounts of the City in book to be kept for that purpose; which book must clearly and fully show all monies received and disbursed by him in behalf of the City, setting forth the date of receipt, from whom received, the date of disbursement, to whom disbursed and the amount of such disbursement and for what and on what account the same was received and disbursed. The City Clerk shall issue to every person, firm or corporation from whom he receives money a receipt therefore, which shall show the fund to which said money is to be applied, the purpose of the collection and one copy of said receipt shall be retained by the Clerk, and a copy thereof furnished to the City Clerk.

Section 1.503. Redeemed Warrants.

He shall keep a register of all warrants redeemed, describe each warrant by date, number and amount and the name of the payee, and all warrants so redeemed shall be cancelled, and kept in his office until the end of the month, and shall accompany his statement to the City Council, or

a committee appointed for that purpose at the first meeting thereafter, by comparison with the Clerk's warrant register and checked as redeemed and permanently filed with the City Clerk. The purpose, a complete list of every bond and coupon, showing the maturing date, to whom sold, the amount of the payment falling due, whether principal or interest, and showing also the date of redemption of a any outstanding bond or interest coupon, the amount thereof actually paid to redeem the same, and the number of the bond or interest coupon retired. The City Clerk shall cancel all bonds, coupons, warrants and other evidences of debt against the City, whenever paid by him by writing or stamping across the face thereof, "paid by the City Clerk", with the date of payment written on, or stamped thereon.

Section 1.504. Reports.

It shall be the duty of the Clerk, at the end of each month, to report to the City Council, a statement of the financial transactions of his office for the month ending; which statement shall be in writing, and under his and shall set forth clearly and fully:

- A. The balance in the treasury at the beginning and the end of the month.
- B. The amount received during the month, and from whom and on what account received and to what fund applied.
- C. The amount disbursed during the month and to whom and on what account disbursed and to what fund charged.
- D. The amount of warrants redeemed during the month and from whom received and on what account drawn.
- E. The amount of bonds and interest coupons redeemed during the month.
- F. The amount of warrants purchased by him with the Sinking Fund with a list thereof attached.
- G. The amount that has been credited to the respective funds which are or may hereafter be provided for the council.
- H. The amount of interest, profit, compensation or money received by him, or to be received by him from any person, bank, or corporation, for the use, control or deposit of the City funds in his charge, together with the amount of interest earned on warrants purchased with the Sinking Fund.

Section 1.505. Vouchers.

The City Clerk shall, on the last business day of each month, turn over to the City Clerk, all the cancelled indebtedness and vouchers of every nature received by him during the month, taking the Clerk's receipt therefore.

Section 1.600. City Attorney.

Section 1.601. Office.

There is hereby created the Office of City Attorney, who shall be a person of good moral character, licensed to practice by the State of Oklahoma, who shall be appointed by the Mayor, by and with the consent of three-fourths (3/4) of the Councilmen.

Section 1.602. Duties.

It shall be the duty of the City Attorney to advise the City Council and all City officers in the performance of their duties. He shall appear, prosecute and defend all actions wherein the City of Pawnee is a party, provided, he shall be allowed his actual and necessary traveling and hotel expenses while outside of the City of Pawnee, on business for the City, upon direction of the City Council, and this expense shall be in addition to his regular compensation as fixed by the council. He shall perform such other professional services as may be required by the council.

Section 1.603. Vacancy.

The Office of City Attorney may be left vacant at such time as the City Council may deem that the City of Pawnee has not sufficient legal business to justify the employment of a City Attorney.

Section 1.604. Duties.

The City Attorney shall be the legal advisor of the council and City officers. He shall commence, prosecute, and defend suits and actions on behalf of the corporation and may attend meetings of the council and give them his opinion on any matter submitted to him, at the request of the Mayor.

Section 1.605. Draft Documents.

He shall draw such Ordinances as may be required of him by the City Council, or by any committee thereof. He shall draw the leases, deeds and papers connected with the finance department and all contracts for any of the other departments of the City when so required by the council.

Section 1.606. city Court Duties.

When requested to do so by the Mayor, the City Attorney shall appear in Police Court and prosecute all complaints for offenses against the City Ordinances, but he shall not be required to prosecute such actions unless the same are instituted upon complaint of some City officer.

Section 1.608. Duties Upon Termination of Office.

Upon the expiration of his term of office or his resignation or removal therefrom, the City Attorney shall forthwith, on demand, deliver to his successor in office, all deeds, leases, contracts, papers, books, files, and other things in his hands, belonging to the corporation.

Section 1.609. Report to Council.

The City Attorney shall, at the request of the Mayor, report in writing to the City Council, a statement of all suits instituted and pending any Courts of Record in which the City of Pawnee is plaintiff or defendant, in which report shall be stated the date of the commencement and the several steps that may have been taken in Court during his term of office, to bring such suits to final issue, or the disposition to be made of same. The report shall be explanatory remarks as the City Attorney may see fit to the end that the council may be kept fully advised on the legal affairs of the City.

Section 1.700. Police Department.

Section 1.701. Officers of Department.

The police department of the City of Pawnee, shall consist of the City Marshal, Chief of Police, Assistant Marshal and such members of police patrolmen as has been or may be prescribed by resolution of the Mayor and Councilmen.

Section 1.702. Marshal – Duty.

The marshal shall at all times have power to make or order an arrest, with proper process, for any offense against the laws of the State or the City, and bring the offender for trial before the proper officer of the City, and to arrest without process in all cases where any such offense, or violation of law shall be committed or attempted to be committed in his presence. He shall have the power and it shall be his duty, to keep offenders of the law in the City prison or other place to prevent their escape until a trial can be had before the proper officer and he shall perform such other duties as are imposed on him by law or Ordinance.

Section 1.703. chief – Subject to Direction of Mayor.

The Chief of Police shall be subject to the direction of the Mayor; have control and management of all matters relating to the police department, its officers and members, and shall have the care, custody of and control of all firearms and military equipment, books and records belonging to that department.

Section 1.704. Full Time Chief of Police.

He shall devote his whole time to the municipal affairs of the City. He shall preserve the peace, order, safety and cleanliness thereof and to this and he shall execute and enforce all Ordinances and orders of the Mayor and Councilmen.

Section 1.705. Duties.

The Chief of Police shall be charged with the duty of protecting the rights of persons and property, and providing a proper police force at every fire. He shall take notice of all nuisances, impediments, obstructions and defects in the streets, alleys and public places of the City and shall remove the same, or cause immediate notice thereof to be given to the proper officers.

Section 1.706. Assignments.

The Chief of Police shall from time to time divide the City into suitable beats, and shall fix the hours at which regular policemen shall enter upon and retire from duty and subject to the approval of the Mayor, establish rules and regulations for governing the police force.

Section 1.707. Suspension of Officer.

During the pending of charges against any police officer the Chief of Police may suspend such officer until such charges are examined, with the approval of the Mayor.

Section 1.708. Records.

The Chief of Police shall cause books of record to be kept for the police force, and of persons arrested for offenses; of time lost by patrolmen; of accounts of monies received and expended, and for what purpose; of suspected persons and places and of all

property placed in his charge, and such books and records as shall be required by the business of the department.

Section 1.709. Attendance at City Court.

The Chief of Police shall attend each session of the police Court, and execute or cause to be executed the process thereof, and shall cause all persons under arrest to be brought before the police judge for trial as speedily as possible.

Section 1.711. Record of Arrests.

The marshal or any policeman making an arrest, shall enter in a book to be kept for that purpose at police headquarters, the name of the person arrested, the nature of the offense and a brief description of the property or articles found on the person of such prisoner.

Section 1.712. Officers to Report Diseases.

It shall be the duty of all police officers to report immediately to the board of health, or some member thereof, all violations of the health ordinances of the City, and all cases of infections or dangerous diseases coming to their notice.

Section 1.713. Uniforms and Badges.

Every member of the police force shall wear a suitable badge to be furnished by the City and any member who shall lose or destroy the same shall be required to pay the cost of replacing it; and whenever any member shall leave the force, he shall immediately deliver his badge to the Chief of Police. No person except the police shall wear the badge adopted by the Mayor and Councilmen.

Section 1.714. Search of Prisoners.

When persons are arrested, it shall be the duty of the police officer making the arrest to search all persons so arrested.

Section 1.715. Chief of Police – Appointed.

The Chief of Police shall be appointed by the Mayor with the consent of the City Council and shall be paid a salary as may be designated by Ordinance adopted by the Mayor and City Council.

Section 1.800. Other Officers.

Section 1.810. City Engineer.

The Mayor, by and with the consent of the Councilmen, may at such times as he deems necessary, appoint a City Engineer whose duties and compensation shall be such as the Council may prescribe by motion, resolution or Ordinance.

Section 1.820. Street Commissioner.

The Street Commissioner shall perform the duties prescribed by law and by Ordinance and shall employ such help and workmen, as he may deem necessary, with the approval of the Mayor and Councilmen.

Section 1.821. Duty.

It shall be the duty of the Street Commissioner to move or cause to be removed all obstructions to the free passage along the streets and alleys of the City; he shall see that all laws, Ordinances, Resolutions, and contracts passed or entered into by the council and regulating or in any way referring to the streets, avenues, alleys, or gutters, or bridges of the City be strictly enforced, and he shall perform such other duties, as may be required of him by the Mayor and Councilmen. He shall be the road overseer and supervisor of the city streets and alleys and shall use all monies coming into his hands as directed by the Mayor and Councilmen.

Section 1.822. Duties.

The Street Commissioner shall be subject to the order of the Mayor and Councilmen and shall have the care, supervision, and control of all public highways, avenues, lanes, alleys, bridges and culverts of the City, and clean and keep the same open and in repair and proper order free from nuisances.

Section 1.823. Duties.

The Street Commissioner shall also see that the respective railroads keep their crossings well planked or paved, in good condition and so that vehicles, and other traffic can easily and freely pass over said tracks at all crossings.

Section 1.824. Records.

The Street Commissioner shall employ such assistance as the Mayor and Councilmen may authorize by Resolution and shall keep in a book, to be provided for that purpose, a correct record of the names of each and every person employed by him to perform any work or services for the City, and the amount to be paid each person for such services. He shall report to the Mayor and Councilmen at each regular meeting a payroll duly certified by him, containing the names of all persons employed by him to work for the City, the time and nature of such service and the amount due each person on account thereof. He shall perform such other duties as may be required by resolution or Ordinances or the Mayor and Councilmen.

Section 1.825. Reports.

In case any person shall be injured by reason of a defect in any street, avenue, alley, or bridge, the Street Commissioner, immediately upon learning of the same, shall make a careful examination of the place of said defect and carefully note the condition of the street, avenue or alley at such point. He/she shall procure the names of witnesses and report the same in writing to the Mayor with all information he can obtain regarding the time, nature, cause, and expense of the injury.

Section 1.830. Water and Sewer Superintendent.

There shall be a Water and Sewer Superintendent, said Water and Sewer Superintendent to be appointed by the Mayor, by and with the consent and approval of the Councilmen, of the City of Pawnee.

Section 1.831. Duties.

It shall be the duty of the Mayor to, at least once each month, to have the water and electric meters read which are in the City of Pawnee; and to make a

record of said meter readings in a book to be provided and kept for that purpose. Said Water and Sewer Department shall monthly certify the proper meter readings for electric consumption and water consumption to the City Clerk.

Section 1.832. Delinquent Bill – Notice.

When any consumer has not paid the amount due by the 10th of the month following the month during which water or electric current is consumed, it shall be the duty of the Clerk to give written notice by mail to such persons that unless such bills are paid on or before a date not less than ten days from the date of mailing such notice, that such water or electric service will be cut off and discontinued and that a charge of twenty dollars (\$20.00) may be made for such discontinuation and reconnection before such service will be continued.

Section 1.833. Duties.

It shall be the duty of the Clerk, as directed by the Mayor, to notify the Electric Department on the day following the date by when such bill was to have been paid in the notice provided and to whom such notice has been sent as herein required. Upon receipt of such notice it shall be the duty of the Water and Electric Superintendents to immediately cause the premises of the delinquent consumer to be shut off and the water or electric current shall not again be turned on by the superintendents until said bill or bills and all arrearages have been paid.

Section 1.834. Prepare Maps.

The Water and Sewer Superintendent of the City shall proceed to maintain a permanent updated map or plat of the City of Pawnee, which said map shall show the lines of mains embraced in the present water works of the City and the number of feet in each line together with the size of pipe constituting the same, and shall also show as nearly as may be the location of all basins, or -other connections with said water works system. Said map or plat when complete shall be a part of the permanent record of the City, and shall remain in the office of the Water and Sewer Superintendent for the use of the City and the proper inspection of the inhabitants thereof, and a similar map shall be maintained for sewer lines and appurtenances.

Section 1.836. General Supervision.

It shall be the duty of the superintendent to supervise and manage the general operation and conduct of the water works and sewer system and pumping stations and to make recommendations and reports to the council as the conditions of the water works and sewer systems may warrant reference to the present and prospective needs of the City.

Section 1.837. General Supervision.

The Water and Sewer Superintendent shall maintain and file such reports as may be required by the State and Federal agencies and as may be required by the Mayor.

Section 1.838. Stock Invoice.

The superintendent shall at all times keep a true and correct stock invoice, showing all materials purchased, all

materials used and places where used and materials on hand.

Section 1.839 May Employ Help.

The superintendent, by and with the consent of the Mayor and Councilmen, may employ such help as is reasonably necessary for the full performance of his duties.

Section 1.840. Fire Chief and Emergency Services Director.

The Fire and Ambulance Director shall be the chief of the fire department for the City of Pawnee, as defined in Section 9.202 of the Pawnee City Code.

No person shall be eligible to the office of Fire and Ambulance Director who shall not have held at least three years of actual experience as a fireman and three years EMT Basic training, prior to his or her appointment.

Section 1.841. Fire Chief – Duties.

The Fire Chief shall diligently perform the duties imposed on him by law and by Ordinance.

Section 1.842. Firemen.

The Mayor and Council shall appoint from time to time, by and with the consent of the Fire Chief, such paid and volunteer firemen, as may be deemed necessary.

Section 1.843. Tenure of Office.

The Fire Chief and paid firemen shall hold office until removed by the Mayor and Councilmen at will.

Section 1.850. Electric Superintendent.

There shall be an Electric Superintendent, said Electric Superintendent to be appointed by the Mayor, by and with the consent and approval of the City Council of the City of Pawnee.

Section 1.851. Duties.

It shall be the duty of the Electric Superintendent at least once a month, to have the electric meters read which are in the City of Pawnee and to make a record of said meter readings in a manner to be kept and provided for that purpose. Said Electric Superintendent shall monthly certify the proper meter readings for electric consumption to the City Clerk.

Section 1.852. Qualifications.

Effective September 1, 2018, the Electric Superintendent must be licensed as a Journeyman according to the standards of Municipal Electric Systems of Oklahoma (MESO) or similar organization that provides industry-accepted training and certification for electric line workers.

If a qualified candidate for electric superintendent cannot be found in a reasonable time to meet the needs of the City, a temporary superintendent shall fill the position for a period of no more than two months.

If it is determined that an unqualified person holds the Electric Superintendent position in either a temporary or permanent capacity, the position shall immediately be

declared vacant, the person holding the position shall be dismissed or allowed to apply for a different position, and the Electric Superintendent position shall be immediately opened for submission of applications by qualified individuals.

Section 1.854. Prepare Maps.

The Electric Superintendent of the City shall proceed to maintain a permanent updated map or plat of the City of Pawnee, which said map shall show the electric lines embraced in the present electric system of the City and the number of feet in each line together with the size of the line constituting the same, and shall also show as nearly as may be the location of all transformers, or other components of said electrical system. Said map or plat when complete shall be a part of the permanent record of the City, and shall remain in the office of the Electric Superintendent for the use of the City and the proper inspection of the inhabitants thereof.

Section 1.856. General Supervision.

It shall be the duty of the superintendent to supervise and manage the general operation and conduct of the electrical system and to make recommendations and reports to the Council as the conditions of the electrical works may warrant reference to the present and prospective needs of the City.

Section 1.857. Reports.

The Electric Superintendent shall write, maintain, and file such reports as may be required by the State and Federal agencies and as may be required by the Mayor.

Section 1.858. Stock Invoices.

The Electric Superintendent shall at all times keep a true and correct stock invoice, showing all materials purchased, all materials used and places where used, and places where materials are kept on hand.

Section 1.859. May Employ Help.

The Electric Superintendent, by and with the consent of the Mayor and Council Members, may employ such help as is reasonably necessary for the full performance of his or her duties.

Section 1.860. Fire Department.

Section 1.861. Department Created.

There is hereby created a Fire Department for the City of Pawnee, which said Fire Department shall be known and hereinafter designated as the Pawnee Fire Department.

Section 1.862. Fire Chief.

The Fire Department shall consist of one chief, one assistant chief and such other members as may be provided for by Ordinance, who shall have complete charge and full authority to extinguish fires within the corporate limits and who are hereby recognized as the lawful and official Fire Department for the City.

Section 1.863. Property Custodian.

The Fire Chief shall safe-guard and securely keep all fire apparatus, hose and other appliances used by said fire department in extinguishing fires in said City, and he shall account for all such property as may come into his hands during his term of office and take a receipt for the same from his successors in office. He shall have full authority over said fire department whenever they are in active service, and the duties devolving upon the chief of said department shall be performed by the said assistant fire chief in the absence of the chief.

Section 1.864. Police Power.

The Fire Chief and assistant fire chief are hereby given all authority of policemen of the City, and are hereby authorized to make arrests for interference in the discharge of the duties of their office, or for any interference with the operation of said fire department, when on active duty.

Section 1.865. Register of Members.

It is hereby made the duty of the Chief of the Fire Department to register with the City Clerk the names of each and every member of the Fire Department, together with a full and complete list of the length of service of said members in the Fire Department, heretofore existing.

Section 1.866. Reports.

The Chief of the Fire Department shall make reports as may be required by all applicable State or Federal Agencies or as requested by the Mayor.

Section 1.867. Equipment – Needs.

Whenever any apparatus or hose or other appliances or supplies are required for the use of the fire department, it shall be the duty of the chief of the said fire department to request the council to purchase the same.

Section 1.870. Offenses.

Section 1.871. Obstructing Firemen – Offense.

Any person who shall in any manner obstruct, or interfere with said fire department in the discharge of its duty while a fire is in progress and who shall hinder, obstruct or delay or prevent said fire department from getting to a fire in progress or who shall perform any act tending to interfere with the free action of said fire department, shall be guilty of an offense and shall be punished accordingly.

Section 1.872. False Alarm.

Any person who shall turn in any false alarm of fire to the fire department or any officer thereof or authorize the same to be done shall be guilty of an offense and punished accordingly.

Section 1.873. Driving Over Hose.

Any person who shall drive any vehicle over or upon any fire hose while it is lying on any street, alley or sidewalk shall be guilty of an offense and shall be punished accordingly.

Section 1.874. Penalty.

Any person or persons violating Sections 1.871, 1.872 or 1.873 shall be guilty of a misdemeanor and shall pay a fine including costs of forty dollars (\$40.00).

Section 1.900. Rules and Regulations for Volunteer Firemen.

Section 1.901. The Fire Chief.

- A. The chief shall be at the head of the department, subject to the laws of the State of Oklahoma, Ordinances of this City, and the rules and regulations herein adopted.
- B. The chief shall be held responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him.
- C. The chief may inspect or cause to be inspected by members of the department, the fire hydrants, cisterns and other sources of water supply at least twice each year.
- D. The chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members.
- E. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.
- F. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve all possible evidence for future use in the case.

Section 1.902. The Assistant Chief.

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefore in all respects with the full powers and responsibilities of the chief.

Section 1.903. Company Officers.

The company officers shall be selected upon their ability to meet the following requirements: (1) Their knowledge of fire fighting, (2) their ability to lead men, (3) their knowledge of fire fighting equipment.

Section 1.904. The Secretary-Treasurer.

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

- A. Calling the roll at the opening of each meeting.
- B. Keeping the minutes of each meeting.
- C. Collecting any money due the department by the members.

Section 1.905. New Members.

- A. All new members shall be on probation for one year after their appointment.

- B. New volunteer members upon completion of their probation period must be approved by the majority of the fire department.

Section 1.906. Bylaws.

The bylaws of the department shall include:

- A. All volunteer fire fighters are required, when notified, to respond to alarms of fire and other emergencies.
- B. They 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 unexcused absences in succession or three unexcused absences in a period of three months will be dropped from the fire department rolls.
- E. Volunteer fire fighters leaving town for an extended period of time will be required to notify the chief.
- F. Any volunteer fire fighter refusing to attend training classes provided for that member will be dropped.
- G. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:
 - 1. Conduct unbecoming a fire fighter.
 - 2. Any act of insubordination.
 - 3. Neglect of duty.
 - 4. Any violation of rules and regulations governing the fire department.
 - 5. Conviction of a felony.

Section 1.1000 Compensation.

All dues and fees which are required to be paid for membership in the State and National Firemans Association shall be paid by the City of Pawnee, and the proper warrant drawn therefore upon filing of a bill, duly verified by the Chief of said department.

Section 1.1001. Salary.

The Fire Chief shall receive a salary as established and/or changed by the Mayor and Council and in addition thereto, he shall receive the sum of ten (\$10.00) dollars for each run actually attended by him. Each Fireman shall in addition to any other compensation provided, receive the sum of five (\$5.00) dollars for each run in which they participate.

Section 1.1002. Clerk to Issue Warrants.

The City Clerk shall issue a warrant to the Fire Department for the services of the members during the month on statements approved by the Fire Chief.

Section 1.1003. Lawful Compensation.

Nothing herein shall be construed as entitling any of the fire department members to any fees unless actually present at and assisting in the extinguishing of the fire and unless water is thrown thereon.

Section 1.1004. Firemens Relief and Pension Fund.

There is hereby created a Board of Trustees of "The Fireman's Relief and Pension Fund" for the City of Pawnee, to be composed of the Mayor, the City Clerk, the City Treasurer and two members of the City Fire Department approved by the Mayor as is provided for by law.

Section 1.1005. Pension.

A service pension shall be paid to qualified employees pursuant to the rules and regulations of the Firefighter's Pension and Retirement System.

Section 1.1009. Roster.

A roster of members Of the City fire department shall be kept by the City Fire Department and the City Clerk, showing the date of enlistment in the fire company of each member and the date of retirement or discharge.

Section 1.1010. Accidents Reported.

The Chief of the Fire Department shall report all accidents to members of the fire department to the secretary of the Board of Trustees of the Fireman's Relief and Pension Fund, in writing within three days after the occurrence.

Section 1.1011. Claims in Duplicate.

All claims as provided for under the provisions of the previous sections shall be made in duplicate and made in duplicate and made payable to the person entitled to said benefits, one to be retained by the Chief of the Fire Department and one to be filed with the Secretary of the Board of Trustees of the "Fireman's Relief and Pension Fund".

Section 1.1012. Records to be Taken as Evidence.

To receive a service pension, the City Clerk's and Fire Department's records shall be taken as proof, as to the term of years applicant for pension has served as a member of the fire department, provided that in cases of a variance between the Clerk' s record and the Fire Department record, the record of the Clerk shall prevail.

Section 1.1013. Benefits – Less Than One Week.

No benefits shall be paid for less than one week.

Section 1.1014. Proration.

All claims arising by virtue of any provision of this chapter shall be charges against the Fireman's Relief and Pension Fund only. Should the said fund at any time be insufficient to pay all such claims, in full, the amount of pensions, then said fund shall be prorated among those entitled to same, by the Board of Trustees of the "Fireman's Relief and Pension Fund", as provided by law.

Section 1.1015. Attestation of Claim.

No claim shall be valid, unless verified by the beneficiary and attested to the Chief of the Fire Department and the City Superintendent of Public Health.

Section 1.1016. Fire Inspection.

It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by the Fire Department officers or members, as often as may be necessary, but not less than twice in each year in outlying districts and four times a year in the closely built up portions of the City, all buildings, premises and public thoroughfares, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the City affecting the fire hazard.

Section 1.1017. Inspector's Duties.

Whenever any officer or member shall find in any building, or upon any premises or other place, any combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any other highly inflammable materials especially liable to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways doors or windows, liable to interfere with the operations of the fire department, or egress of occupants, in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within twenty-four (24) hours to the Mayor, who shall within three (3) days review such order and file his decision thereon with the Clerk. Unless the order is revoked or modified, it shall remain in full force and be promptly obeyed by such owner or occupant.

Section 1.1018. Right of Ingress.

The Fire Chief or his authorized agent or deputy shall have the right of ingress and egress on all real property within the City limits for the purpose of discharging the duties imposed upon him.

Section 1.1019. Offense.

Any person violating any of the provisions of this chapter, either by doing any thing which is prohibited or failing or refusing to do anything which is commanded shall be guilty of an offense, provided that each day in which such violation shall occur shall be a separate offense and upon conviction shall be punished accordingly.

Section 1.1030. Pawnee Public Library.

Section 1.1031. Pawnee Public Library Board is Established.

Section 1.1032. Pawnee Public Library Governing Board.

The Pawnee Public Library shall be governed by a Board of Directors consisting of five (5) members, chosen by the municipal governing body with reference to their fitness for office. All Library directors shall serve thereon without compensation.

Section 1.1033. Term of Office.

Said board members shall hold office for a term of three (3) years from the first day of May following their appointment. At the first regular meeting of the Board, the Directors shall cast lots for respective terms of one (1) year, two (2) years, three (3) years; thereafter; the terms of all Directors shall be for three (3) years. Vacancies in the Library Board of Directors shall be filled in the same manner as original appointments.

Section 1.1034. Removal.

Any member of the Board of Directors may be removed by the appointing authority for misconduct or neglect of duty.

Section 1.1035. Officers.

Immediately after the initial appointment, the Board of Directors shall meet and organize by electing one Director as president, one Director as secretary and by electing such other officers as the Board may deem necessary. They shall adopt such rules and regulations for their own guidance and for the governance and operation of the library as may be expedient and not inconsistent with the Ordinances and laws of Oklahoma, subject to the approval of the Mayor and Council of the City of Pawnee.

Section 1.1036. Appointment of Librarian.

The Board shall, with the approval of the Mayor and the City Council, appoint a suitable librarian. The librarian shall be the administrative officer of the library. The Board shall exercise control and supervision over the library.

Section 1.1037. Library Fund.

All moneys received by the Board on account of the operation of the library shall be paid to the City Treasurer or his designee, who shall deposit the same in the municipal treasury in a special and separate account designated the "Library Fund". Such moneys shall be paid out only upon warrants authorized by such library Board of Directors.

Section 1.1038. Records.

Current financial records shall be maintained and open to inspection by the proper City authority. The Library Board of Directors shall make, on or before the thirty-first day of July in each year, an annual report to the Mayor and City Council. Such report shall include the condition of its trust on the thirtieth day of June; the various sums of money and property received by the library for the fiscal year; and statistics on the general character and number of books and periodicals which are on hand, are lost, have been added, have been loaned out; and the number of persons making use of the library during the year. A similar report shall be filed at that time with the Oklahoma Department of Libraries on forms supplied by the Department.

CHAPTER 2 – ANIMALS

Article A. General Provisions

Section 2.1. Definitions.

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

- A. Domestic . Animals: Any animal except dogs, cats, wild or exotic animals commonly considered tame or useful for the benefit of the home including but not limited to horses, mules, donkeys, ponies, cows, sheep, goats, swine, rabbits, or similar animal.
- B. Fowl: Any chickens, guineas, geese, ducks, turkeys or Pigeons or similar thereto.
- C. Prohibited Animal: Wild by nature or exotic animal means and includes any animal not generally recognized to be domesticated or which, because of size, vicious nature or any other characteristic, presents a danger to human beings, and shall include but not be limited to:
 - 1. The following Members of the class reptilia; order phidia (Racers, Boas, Water Snakes and Pythons) and Order Loricata (Alligators, caymans and crocodiles): Family Helodermatidea (the venomous lizards); Family Viperidae (rattlesnakes, pit vipers and true vipers); Family Elapidae (coral snakes, cobras and mambas); Family Colubridac dispholidus typus (boomsland), cyclagras gigas (water cobra) and boiga dendrophia (mangrove snake);
 - 2. The following members of the class aves; order falconiforms (hawks, eagles, falcons and vultures) which are not kept pursuant to federal or state permit, and subdivision ratitae (ostriches, rheas, cassowaries, and emus);
 - 3. The following members of the class mammalia; order carnivora, family felidae (ocelots, margays, tigers, lions, panthers, jaguars, leopards and cougars), except commonly accepted domesticated cats; the family canidae (wolves, foxes, dingos, coyotes, and jackals), except domesticated dogs; family mustelidae (weasles, martins, mink and badgers); family procyonidae (raccoon); family ursidae (bears); order chiroptera (bats); order edentata (sloths, anteaters, and armadillos); order marsupialia (kangaroos and common opossums); order proboscidea (elephants); order primata (monkeys, chimpanzees and gorillas); except the domesticated monkeys that help the handicapped that are trained for that use; order rodentia (beaver, muskrat and porcupines) and order ungulata (antelope, deer, bison and camels);
 - 4. Any species of animal which is venomous to human beings whether its venom is transmitted by bite, sting, touch or other means; and
 - 5. Any species of animal when kept, maintained or harbored in such numbers or in such manner as

to constitute likelihood of danger to the animals themselves, to human beings or to the property of human beings.

- 6. Except as expressly provided herein, the term animal wild by nature or exotic animal as used in this section shall not include nonpoisonous aquatic or amphibious animals, gerbils, hamsters, guinea pigs, mice, rabbits, psittacine birds, canaries or finch.
- 7. It is an offense under the terms of this section for an owner within the corporate limits of the city to keep, possess, own or harbor any animal or reptile, wild by nature or exotic or dangerous, except when kept by a licensed circus, state park or shown in a zoo.
- D. At Large: Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner; or
- E. Not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash nor more than six (6) feet in length if off the premises of the owner;
- F. Owner or Keeper: Any person, group of persons or corporation owning, keeping, maintaining or harboring, or having care or custody of, an animal or animals or fowl or birds.
- G. Provoke or Provocation: With respect to an attack by an animal, that the animal was hit, kicked, or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched, or squeezed by a person.
- H. Vicious Animal: An animal which has bitten, or attempted to bite, any person undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons when not unduly provoked.
- I. Without Provocation: That an animal was not teased, tormented or abused; and also means where the animal was not protecting its owner or owner's property from criminal activity by a perpetrator of a crime.

Section 2.1.1. Animal Control Officers Authorized to Enforce Ordinances Dealing with Animals; Issuance of Citations; Issuance of Warrants.

- A. Animal control officers, as designated by the Mayor or his representative, are authorized to enforce the provisions of ordinances dealing with animals. An animal control officer may issue a citation to any violator to appear in Municipal Court.
- B. Issuance of citations. In issuing a citation, the animal control officer shall proceed as follows:
 - 1. The officer shall prepare a written citation to appear in Municipal Court containing the name and address of the cited person, the nature, location, and date of the alleged offense, and the time and date of the Municipal Court appearance. Unless the person requests an earlier date, the

time specified in the citation to appear shall be at least five days after the issuance of the citation.

2. The citation, and any copies thereof, shall be signed by the cited person and one signed copy thereof shall be given to him.
 3. The officer shall thereupon release the cited person from custody.
 4. The officer shall file one copy of the citation with the Municipal Court within three days after issuing the citation.
- C. If a person fails to appear in response to a citation issued pursuant to this section, a warrant for his arrest shall be issued. Any person who willfully fails to appear in response to a citation is guilty of an offense.

Section 2.2. Running at Large, Owners Cited, Enclosures.

- A. No owner shall permit any animal, including fowl, owned, harbored or kept by him, to be at large within the City.
- B. Any animal running at large in the City may be taken up and impounded at the animal shelter. The animal control officer may, at his discretion, cite the owner of such animal to appear in Municipal Court to answer charges of violation of this chapter.

Section 2.3. Swine Within the City Limits.

- A. No swine shall be kept within the City except temporarily in a stock yard awaiting transportation, at a packing house awaiting processing, or at a fair or exhibition for purposes of exhibition. This section shall not apply to the keeping within the City of no more than two (2) Asian Pot-Bellied swine or similar small swine, subject to the following:
 1. Each pot-bellied swine shall be a pet, that is to be kept for personal enjoyment and not kept or raised for human consumption.
 2. Each pot-bellied swine shall be registered through a bona-fide registry firm as well as registered with the appropriate city agency.
 3. Each pot-bellied swine shall not exceed 125 pounds in weight and 32 inches in height.
 4. Each pot-bellied swine shall have rabies vaccinations.

Section 2.4. Buildings Structures for Animals, Location, Special Rules for Livestock.

- A. Every building or place where any animal or fowl is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
- B. No place where an animal is kept shall be kept closer than forty (40) feet to the premises of an apartment, hotel, restaurant, boarding house, food store, daycare center, building used for education, religious or hospital purposes, or dwelling other than that

occupied by the owner or occupant of the premises upon which the animal is kept.

- C. Every building where any animal is kept, if located within two-hundred (200) feet of any apartment, hotel, restaurant, boarding house, food store, daycare center, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept, shall be provided with a watertight and fly-tight receptacle for manure, of such size as to hold all accumulation of manure. The 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 the receptacle.
- D. The animal control officer or health officer shall inspect any structure or place where an animal is kept on his own initiative or upon complaint. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause the animal to be kept as required in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the town Court against any person for violation of any provision of this chapter, or of any such reasonable order.
- E. It is unlawful for any person to keep cows, sheep, goats, cattle, horses or other livestock of any kind within the limits of the town unless such animals are kept within an enclosure or fenced area. Any such enclosure or fenced area shall have at least five thousand (5,000) square feet for each animal kept in the enclosed area.
- F. Manure shall be hauled outside the City in a manner which does not jeopardize the public health or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.
- G. Any dog secured by a chain shall be secured by a chain that is five (5) times the dogs length from nose to tail.

Section 2.5. Noisy Animals, Nuisance, Vicious Animals.

- A. No person shall keep any animal which causes frequent or long-continued noise or otherwise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.
- B. No person shall keep any animal which is a nuisance or is vicious as defined in this code.
- C. No dog can be chained or be kept closer than twenty (20) feet to a public sidewalk.

Section 2.6. Pasturing in Public Areas Illegal.

It is unlawful for any person to pasture any animal on any public property or private property without the consent of the person owning or controlling the property.

Article B. Licensing and Vaccination

Section 2.7. Rabies Vaccination Required; Certificate of Vaccination; Tags.

- A. The owner or custodian of a domestic dog, cat or ferret shall cause the animal to be vaccinated against rabies by the time the animal is four months of age and at regular intervals thereafter according to the label directions of an approved rabies vaccine for use in that species.
- B. Unless the owner of any pet or livestock furnishes written proof that the pet or livestock furnishes written proof that a licensed veterinarian according to the label directions of an approved rabies vaccine has vaccinated the pet or livestock for rabies, the owner shall be guilty of an offense.
- C. When a veterinarian vaccinates a pet or livestock, etc. against rabies, he shall issue to the owner of such pet or livestock a metal tag or check evidencing such vaccination and the year of the vaccination.
- D. It shall be the duty of the owner of the dog or cat to attach the tag or check issued to him pursuant to Subsection C to the dog or cat and it shall be unlawful for any person to remove such tag or check without the owner's consent
- E. It shall be unlawful for any person to own keep or harbor in the City of Pawnee, any dog, bitch, or whelp after it has reached the age of twelve weeks, unless the owner or keeper shall register the name, sex, color and description of the dog and the place where the same is kept with the City Clerk, in a book to be kept by him or her for that purpose, and shall be on or before the first day of June, of each year, pay to the City Clerk or such person as may be designated by the Mayor and City Council, a registration fee of \$5.00 for each dog and female spayed dog and
- F. \$5.00 for each female dog over the age of twelve weeks.
- G. At the time of such registration, the official receiving the fee shall deliver to the person registering the dog a metallic check or tag on which shall be distinctly marked with a registered number of the dog and the year of registration.
- H. The City Clerk shall not issue any license for a dog unless and until such dog has been vaccinated against rabies within the past twelve months, or at regular intervals thereafter according to the label directions of an approved rabies vaccine.

Section 2.8. Licenses Required, Kennels Must Be Licensed, Catteries Must Be Licensed.

- A. Any person owning, operating or maintaining a kennel or cattery within the City, as defined herein, must first secure an annual license from the City Clerk and pay a fee therefore in the sum of \$100; such fee is established for such kennels and catteries as defined below.
- B. A kennel is defined as keeping, maintaining or harboring of more than three (3) dogs over six (6)

months of age on the same premises, by the same household occupants or persons.

- C. A cattery is defined as keeping, maintaining or harboring of more than five (5) cats over six (6) months of age on the same premises, by the same household occupants or persons.
- D. Such fee shall expire annually as reflected in the office of the City Clerk.
- E. Location. The location of a kennel or cattery shall be subject to planning or zoning restrictions, if any, or by decision of the Mayor and City Council.
- F. Penalty: For violation of this Ordinance a fine of up to \$150 plus court costs is hereby levied.
- G. Exception. The provisions of this Section shall not apply to the keeping of animals brought to or kept within the City for less than a 24-hour period; nor shall it apply to "seeing eye" or dogs used as aids for handicapped individuals when such dog or other animal is actually used to aid a handicapped person

Article C. Impoundment Regulations

Section 2.9. Impoundment, Disposition of Animals.

- A. The City may operate on its own or contract with an outside agency to serve as the city's animal shelter or pound to provide for the impoundment of animals pursuant to this chapter.
- B. Any animal found running at large shall be picked up and immediately impounded in the animal shelter and be confined there in an humane manner. Fees for impoundment shall be as provided by the shelter or the city board.
- C. The following charges shall be made and collected for taking up animals authorized under the ordinance relating to animals, dogs, cats, etc.
- D. For picking up dogs, cats, etc. a \$20 fee to owner, and a fee of \$15 per day to owner for impounding and providing sustenance and care for each animal.

Section 2.10. Breaking in Pound or Interfering with Officers.

- A. If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of any city pound or contract pound, or hinders, delays or obstructs any person duly authorized in taking up or taking to the city pound any animal liable to be impounded, or tampers with any city traps, he shall be guilty of an offense.
- B. No person shall interfere with, or hinder, or molest any agent of the city in the performance of any duty of such agent, or seek to release any animal in the custody of the City or its agents, except as provided by law.

Section 2.11. Redemption, Adoption of Animal.

- A. An owner of an impounded animal or his agent may redeem the animal prior to its adoption or destruction as provided for herein by paying the required fees

against the animal and meeting any other requirements which may be prescribed in this chapter. If the owner or his agent has not redeemed the animal within the first five (5) days after the impoundment of the animal, the animal may be otherwise disposed of as provided for herein.

- B. A person desiring to adopt an animal from impoundment shall pay an adoption fee, costs of any necessary vaccinations, and a deposit of Thirty Dollars (\$30.00) to guarantee the neutering or spaying of the dog or cat, and shall sign an agreement with the town ensuring that the dog or cat will be spayed or neutered.
- C. The animal control officer or agency coordinating animal control regulations may procure an agreement to be entered into by any party wishing to adopt an impounded animal and the city impoundment department agreeing to provide proof of spaying or neutering such animal to, be adopted within some agreed length of time prior to return of such adoption deposit.

Article D

Section 2.12. Cruelty to Animals.

It is unlawful for any person, willfully and maliciously, to pour on, or apply to, any animal any drug or other thing which would inflict pain on the animal; or to knowingly treat an animal in a cruel or inhumane manner; or to knowingly neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

Section 2.13. Poisoning Animals.

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

Section 2.14. Encouraging Animals to Fight.

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

Article E

Section 2.15. Animal Bites; Rabies Examinations; Quarantine.

- A. Every animal that bites or scratches a person shall be reported within four (4) hours to the animal control officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten (10) days from the date the person was bitten, and shall not be released from such quarantine except by permission of the animal control officer of the town and the veterinarian in charge of the quarantined animal. Such quarantine may be at any veterinarian hospital chosen by the owner. Failure of the owner or keeper to quarantine his animal within the four-hour period herein will make him guilty of an offense.
- B. The owner, upon demand by any health officer or animal control officer, shall surrender any animal that

has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner; and the animal may be reclaimed by the owner if adjudged free of rabies.

Section 2.16. Rabies Diagnoses; Quarantine of City; Time Limit.

- A. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the State Health Department for a pathological examination, and shall notify the property public health office; of reports of human contacts and diagnosis made of the suspected animal.
- B. When one or both reports give a positive diagnosis of rabies, the health or animal control officer of the City may recommend a city-wide quarantine for period of six (6) months; and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal shall be taken or shipped from the City without written permission of the animal control officer of the City.
- C. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian, or held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.
- D. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six (6) months.

Section 2.17. Killing or Removing Rabid Animal Prohibited.

- A. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove the animal from the city limits without written permission from the health officer of the city, or the animal control officer.
- B. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.
- C. The animal control officer shall direct the disposition of any animal found to be infected with rabies.
- D. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein. when demand is made therefor by an employee empowered to enforce this chapter. Such refusal shall be deemed an offense.

Section 2.18. Reports of Bite Cases; Report by Veterinarian.

- A. It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
- B. It is the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him to be a rabid suspect.

Section 2.19. Investigations for Violation of Section.

- A. For the purpose of discharging the duties imposed by this section and to enforce its provisions, the animal control or health officers are empowered to call upon the residents of any premises upon which a dog, cat, small animal or livestock are kept or harbored, and to demand the exhibition by the owner of such dog, cat, small animal or livestock.
- B. The animal control or health officer, in the manner authorized by law, may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal, and to take possession of such animal when, in his opinion, it requires humane treatment. The officer may demand, at the front door of any residence, exhibition by the owner of current animal licenses at any time.

Section 2.20. Records.

The animal control officer shall keep or cause to be kept:

- A. An accurate and detailed record of the licensing, impounding and disposition of all animals coming into his custody; and
- B. An accurate and detailed record of all bite cases reported to the City, with a complete report of the investigation of each case.

Article F

Section 2.21. Penalty.

Any person, firm, or corporation who violates any provisions of this chapter, declared to be a misdemeanor or to be unlawful, shall, upon conviction thereof, be fined a sum, including costs of one hundred (\$100.00) dollars or more. Provided further, that each day which such violation occurs shall be a separate and distinct offense and shall be punished accordingly.

Section 2.22. Repealer.

All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

Section 2.23. Severability.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

CHAPTER 3 – BILLBOARDS AND ADVERTISING

Section 3.101. Regulations on Advertising.

It shall be unlawful for any person to erect or maintain any sign or other structure for advertising purposes over, across or upon any side walk in the City, unless the same be placed not less than seven (7) feet above said walk. Such sign shall be securely fastened by iron or other metallic rods or braces to the adjoining wall and braced against wind pressure in all directions. No sign shall extend beyond the curb line of the property.

Section 3.102. Crossing Streets.

It shall be unlawful and an offense for any person to erect or maintain any sign for advertising purposes on, over or across any street or alley except as provided in the preceding section.

Section 3.103. On Walks.

No person shall place any sign for advertising purposes on any walk or against any wall except as here-in-before provided.

Section 3.104. Penalty.

Any person, firm, corporation or association violating any provision of this chapter shall be guilty of a misdemeanor punishable as provided in Section 14.103 of this Code. Provided further, that each day which such violation occurs shall be a separate and distinct offense.

Section 3.114. Construction.

No billboard or billboards shall be erected in an unsafe manner or in any sense dangerous to life or property nor shall such billboard be used to display any obscene or immoral pictures or language. Each billboard shall have printed thereon, in clear view, the name of its owner. For breach of any of the provisions of this section, the licensee shall have his license revoked and no further license shall be issued to said party except upon satisfactory proof to the Mayor that the party's intent and ability to meet the provisions of this section has been established.

Section 3.115. Conditions.

It shall be unlawful to construct or maintain or cause to be constructed or maintained, any billboard in such a manner as to:

- A. Obstruct the free use of the streets, alleys or sidewalks;
- B. Be dangerous to the public by falling or blowing down;
- C. Exceed five hundred (500) square feet in area;
- D. Obstruct the view of railroad or street crossings;
- E. Increase the danger of loss by fire or increase the rate for fire insurance;
- F. Less than three (3) feet above the level of the ground on which it is located, or in cases where the ground slopes, not less than two (2) feet at the closest point;
- G. Exceed sixteen (16) feet in height above the ground;

- H. Approach nearer than six (6) feet to any building or to the side line of any lot, or nearer than two (2) feet to any other billboard.

CHAPTER 4 – BUILDING, PLUMBING, ELECTRICAL, HOUSING AND FIRE PREVENTION CODES

Section 4.101. Adoption of International Building Code, 2009 Edition.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of Pawnee, Oklahoma, being marked and designated as the *International Building Code*, 2009 edition, including Appendix Chapters as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Pawnee, in the State of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 4.101.1. Modification.

The following sections are hereby revised:

Section 101.1. Insert: City of Pawnee, Oklahoma

Section 101.4.1. Replace the language "ICC Electrical Code" with the following:
National Electric Code designated as the 2011 NEC, as published by the National Fire Protection Association

Section 1612.3. Insert: City of Pawnee, Oklahoma

Section 1612.3. Insert: [Date of most recent flood plain map]

Section 3412.2. Delete the first sentence in Section 3412.2 of the IBC and insert in lieu thereof the following: 3412.2 Applicability. Structures existing prior to effective date of this ordinance and in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3409.

Section 4.102. Establishment of Office of Building Official.

The Office of Building Official is hereby created and the executive official in charge shall be known as the Building Official. The Building Official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges. During temporary absence or disability or the Building Official the appointing authority shall designate an acting Building Official.

Section 4.103. Duties of Building Official.

It shall be the duty of the Building Official to enforce all laws relating to the construction, alteration, removal, and demolition of buildings and structures, PROVIDED that the inspection of a building or structure to be used as a school, hospital, church, asylum, theater, meeting hall, hotel, motel, apartment house, rooming house, rest home, nursing home, day nursery, convalescent home, orphanage, auditorium, assisted living facility, dormitory, factory, stadium, or warehouse shall be conducted by the State Fire Marshal pursuant to 74 O.S. § 324.11.

Section 4.104. Liability of Building Official.

The Building Official or any employee charged with the enforcement of this Code, acting in good faith and without malice for the City in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee, because of such act or omission performed by him in the enforcement of any provisions of this Code, shall be defended by the legal department of the City until final termination of the proceedings.

Section 4.105. Right of Entry.

The Building Official, in the discharge of his official duties, upon obtaining written consent of the occupant of any premises, or in the event such premises are not occupied, upon obtaining consent of the owner thereof, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. In the event the required consent cannot be obtained and the Building Official has probable cause to believe the building code is being violated he shall make proper application for a search warrant of the premises as provided by law.

Section 4.106. Definitions.

- A. Whenever the word "Municipality" is used in the building code, it shall be held to mean the City of Pawnee, Oklahoma.
- B. Whenever the term "Corporation Counsel" is used in the building code, it shall be held to mean the Attorney for the City of Pawnee, Oklahoma.

Section 4.107. Fire Limits Established.

The fire limits of the City of Pawnee, Oklahoma, are hereby established as follows:

The South One-half (S/2) of Block Nine (9); the North One-half (N/2) of Block Twenty-four (24); the South One-half (S/2) of Block Ten (10); all of Blocks Eleven (11), Twenty-three (23), Twenty-two (22), Twelve (12), Twenty (20), Thirteen (13), Four (4), Five (5), Six (6), Nineteen (19), Thirty-four (34), Forty-eight (48), Thirty-three (33) and all of that part of Block Thirty-one (31) lying South and West of Black Bear Stream and Lots One (1), Two (2), Three (3), and Four (4) in Block Thirty (30).

Section 4.108. Fees.

- A. No permit as required by the building code shall be issued until the prescribed fee has 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 of the building or structure, shall have been paid.

- B. City Construction Permit. For a permit for the construction or alteration of a building or structure, other than those listed below, the fee shall be at the rate of Two Dollars (\$2.00) per thousand dollars of the estimated cost up to twenty thousand dollars, plus One Dollar (\$1.00) per thousand dollars of the estimated cost in excess of twenty thousand dollars up to one hundred thousand dollars; but not to exceed Fifty Dollars (\$50.00) and not less than Two Dollars (\$2.00) in any case. No fee shall be required when the estimated cost does not exceed two hundred dollars. The permit fee for a building or structure to be used as a school, hospital, church, asylum, theater, meeting hall, hotel, motel, apartment house, rooming house, rest home, nursing home, day nursery, convalescent home, orphanage, auditorium, assisted living facility, dormitory, factory, stadium, or warehouse shall be as provided by the Oklahoma State Fire Marshal.
- C. Building Removal Permit. For a permit for the removal of a building or structure from one lot to another, the fee shall be at the rate of Two Dollars (\$2.00) per thousand dollars of the estimated value of the building or structure in its completed condition after removal. ^ Total permit cost not to exceed Fifty Dollars (\$50.00).
- D. Building Removal Permit. For a permit for the removal of a building or structure to a new location within the same lot, the fee shall be at the rate of Two Dollars (\$2.00) per thousand dollars of the estimated cost of moving, of new foundations and of work necessary to put the building or structure in usable condition in its new location. Total permit cost not to exceed Fifty Dollars (\$50.00).
- E. Demolition Permit. For a permit for the demolition of a building or structure the fee shall be at the rate of Two Dollars (\$2.00) for each ten (10) feet in the height of such building or structure plus one percent (1%) additional for each foot of street frontage of the building or structure in excess of fifty (50) feet. Total permit cost not to exceed Fifty Dollars (\$50.00).
- F. The term "estimated cost" as used in this section, means the reasonable value of all services, labor, materials, and use of scaffolding and other appliances or devices entering into and necessary for the prosecution and completion of the work ready for occupancy; PROVIDED that the cost of excavation 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, is not deemed a part of such estimated cost.

Section 4.109. Flood hazard Boundaries Defined.

The Flood hazard boundaries of the City of Pawnee, Oklahoma, are hereby defined to be those areas identified by the flood hazard boundary map filed in City Hall and made a part hereof, the same if fully set forth herein.

Section 4.110. Requiring All Building Permit Applications and Sites to Be Reasonably Safe from Flooding.

Building permit applications and sites to be reasonably safe from flooding. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed and new construction or substantial improvement (including prefabricated and mobile homes) must:

- A. Be designated (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
- B. Use construction materials and utility equipment that are resistant to flood damage; and
- C. Use construction methods and practices that will minimize flood damage.

Section 4.111. Review of Subdivision Proposals with Regard to Flood Hazards.

Review of subdivision proposals with regard to flood hazards. The Building Inspector shall review subdivision proposals and other proposed new developments to assure that:

- A. All such proposals are consistent with the needs to minimize flood damage;
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize flood damage; and
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

Section 4.112. Requiring New or Replacement Water and Sewage Systems to Be Designed to Minimize or eliminate Infiltration of Flood Waters.

Requiring new or replacement water and sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Section 4.201. Adoption of International Plumbing Code, 2009 Edition.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of Pawnee, Oklahoma, being marked and designated as the INTERNATIONAL PLUMBING CODE, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Electrical Code of the City of Pawnee, in the State of Oklahoma for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City Clerk

are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 4.201.1. Modifications.

The following sections are hereby revised:

Section 101.1 Insert: City of Pawnee, Oklahoma

Section 106.6.2 Substitute: The fees for all plumbing work shall be as set forth in Table P-1 as adopted by resolution of the Pawnee City Council.

Section 106.6.3. Substitute: Section 106.6.3 Fee refunds. The Mayor shall authorize the refunding of fees as follows:

- A. The full amount of any fee paid hereunder that was erroneously paid or collected.
- B. Not more than 90% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Mayor shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 108.4. Substitute: Section 108.4 Violation penalties. Any person who shall violate a provision of this chapter or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this plumbing code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500) dollars. Each day that a violation continues shall be deemed a separate offense.

Section 108.5. Substitute: Section 108.5 Stop work orders. Upon notice from the Mayor or the Mayor's designee, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Mayor or the Mayor's designee shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred (\$500) dollars.

Section 305.6.1. Substitute: Section 305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 34 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 34 inches below grade.

Section 904.1. Substitute: Section 904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 6 inches (153 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

All modifications as adopted by the Oklahoma Uniform Building Code Commission in Title 748, Chapter 20 of the

Rules of the Oklahoma Uniform Building Code Commission.

Section 4.202. Inspection and Supervision.

- A. There is hereby created the position of plumbing inspector or inspectors who shall be employed by the City of Pawnee, Oklahoma.
- B. The plumbing inspector or inspectors shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.
- C. The plumbing inspector or inspectors shall not be directly connected in any way with any person, firm, corporation, directly or indirectly engaged in the business of plumbing, or plumbing suppliers.
- D. The inspector shall receive as full compensation for his services, such fees or salary as designated by Resolution of the City of Pawnee, Oklahoma.
- E. It shall be the duty of the plumbing inspector or inspectors to enforce all provisions of this Ordinance, and such inspector or inspectors is hereby granted the authority to enter all buildings within or without the corporate limits of the City of Pawnee, Oklahoma, when such buildings are connected, or to be connected to the Municipal Water and/or Sewage System.
- F. The plumbing inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- G. It shall be the duty of the plumbing inspector to inspect and test all plumbing work for compliance with this Ordinance and its adopted plumbing code, and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by State Law.

Section 4.203. Applications, Permits.

- A. Before beginning any work in the City of Pawnee, Oklahoma, the person installing or altering same, shall apply to the plumbing inspector or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a home owner to install or alter plumbing in a single family residence, providing the home owner does the work himself and that the building is owned and occupied by the owner as his home. All such work shall meet the code requirements.
- B. All applications for permits shall be made on suitable forms provided at the Office of the City Clerk of Pawnee, Oklahoma. The application shall be accompanied by the fees required by the Building Code of the City of Pawnee, Oklahoma. In addition to the fees therein provided, an additional plumbing fee of \$5.00 shall be charged for each additional trip on the part of the plumbing inspector, caused by the negligence of the plumber of not being ready for inspection or return for inspection of a corrected installation.

Section 4.204. Bond.

Every master plumber doing business in the City of Pawnee, Oklahoma, shall execute and deliver to the City a bond with a surety bonding company in the sum of \$1,000.00 to indemnify the City of any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this Ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the City and is in full force and effect.

Section 4.205. Street Openings.

- A. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.
- B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and materials must be removed at once, leaving the street or sidewalks clean and in perfect repair.
- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

Section 4.206. Cross Connections – Back Flow.

- A. The City Water Department of the City of Pawnee, Oklahoma, and the City Plumbing Inspector of the City of Pawnee, Oklahoma, be and they are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings, or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply.
- B. The City Water Department of the City of Pawnee, Oklahoma, and the City Plumbing Inspector of the City of Pawnee, Oklahoma, be and they are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the City Water Supply which exist. Upon determining said potential hazards it shall be the duty of said department and said inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of this Code have been complied with.

Section 4.207. Penalties.

- A. Any person, firm, corporation or association violating any provision of this chapter; building in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken; or failing to comply with such an order as affirmed or modified by the City Council of the City of Pawnee, Oklahoma, or by a Court of competent jurisdiction, within the time fixed herein, shall be guilty of a misdemeanor punishable

as provided in Section 14.103 of this Code. Provided further, that each day which such violation occurs shall be a separate and distinct offense.

- B. The application of the above penalty shall not be held to prevent the forced removal of prohibited conditions.

Section 4.301. Adoption of National Electric Code.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of Pawnee, Oklahoma, being marked and designated as the 2011 NEC, as published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of the City of Pawnee, in the State of Oklahoma for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 4.302. Inspector.

There is hereby created the Office of Electrical Inspector who shall be appointed by the Mayor, subject to the confirmation of the City Council. The Electrical Inspector shall have had at least two (2) years' experience as an electrician, shall be of good moral character, shall be versed in the approved methods of electrical construction for safety of life and property and the National Electrical Code. He shall receive such compensation as the Council may decide.

Section 4.303. Duties.

- A. The Electrical Inspector, who for the purpose of this Ordinance shall be known as the City Electrician, and hereinafter referred to as such, shall have the duty and is hereby authorized, empowered, and directed to regulate and determine the placing of electric wires or other appliances for electric lights, heat or power in the City of Pawnee and to cause all such wires, appliances or apparatus to be placed, constructed, and guarded as not to cause fires or accidents, endangering life or property, and to be constructed as to keep to a minimum the loss or waste of electric current.
- B. It shall be the duty of the City Electrician to enforce all provisions of this Ordinance and he is hereby granted the authority to enter all buildings in the City of Pawnee in the performance of his duties between the hours of eight A.M. and five P.M. daily, except that in emergency and within the limits of reason, the City Electrician may enter buildings for such purposes at other than the designated hours.
- C. It shall be the duty of the City Electrician to inspect and/or test all electrical work and equipment or apparatus for compliance with the Code whenever electric wiring, appliances, or apparatus shall be defective or hazardous through improper manufacture of improper or insufficient insulation or for other reason, he shall at once cause the removal of such

defects, at the expense of the owners of such wiring, appliance or apparatus.

Section 4.304. Permits.

No installation, alteration, or removal shall be made in/or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus, or heating devices nor alterations made thereto. without written permit therefore being first obtained from the City License issuing Clerk by the person, firm, or corporation having direct charge of such installation.

Section 4.305. Inspection.

Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance, or apparatus, it shall be the duty of the person, firm or corporation having direct charge of such to notify the City Electrician who shall, as early as possible, inspect, such wiring, installation, appliance, and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the requirements of this Ordinance, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances, and apparatus be in strict accord with the rules and requirements and the spirit of this Ordinance, nor shall current be turned on such installation, equipment, appliance, motors, heating device, and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificate to be fixed and determined by the City Council

Section 4.306. Standards.

All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the City of Pawnee shall conform to the rules and requirements of the National Electrical Code current when the work is performed or equipment and apparatus installed, however, the necessity, good service and said results often require larger sizes of wire, more branch circuits, and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the City Electrician supervising the enforcement of this code will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction and for granting the special permission contemplated in a number of the rules and the City Electrician, where necessary, shall follow the code procedure for securing official interpretations of the code.

Section 4.307. Licensing of Electricians.

Any persons, firm, or corporation desiring to engage in the business of electrical construction or of the installation of wiring and apparatus for electric lights, appliances, heating or power in the City of Pawnee, shall, before doing so, obtain a license therefore, the fee for which shall be five dollars per r which shall be paid into the City Treasury before such license shall become effective.

Section 4.308. Bond Required.

Every person, firm or corporation doing electrical business in the City of Pawnee shall execute and deliver to the City a bond with a surety bonding company in the sum of \$1,000.00, to indemnify the City or any citizen for any damage caused by the failure of such person, firm, or corporation doing the electrical work to comply with the provisions of this Ordinance.

Section 4.309. Qualification.

No license shall be issued until the party applying for same has given satisfactory evidence to the City Electrician of his or their ability to do said electrical work in a safe and satisfactory manner. No permit for installation or alteration of wiring, heating devices, motors, appliances or apparatus shall be issued until the license and bond herein required have been obtained.

Section 4.310. Failure to Comply.

Any person, firm, or corporation who shall fail to correct any defect or defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the City Electrician, within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of license for continual defective work or either upon conviction for violation of the provision of this Ordinance.

Section 4.311. Discontinue Service.

Upon failure to comply with this Ordinance, the City Electrician shall have authority, after ten (10) days' notice, except for emergencies, to cut out electric current in the locality concerned.

Section 4.312. Penalties.

- A. Any person, firm, corporation or association violating any provision of this chapter; building in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken; or failing to comply with such an order as affirmed or modified by the City Council of the City of Pawnee, Oklahoma, or by a Court of competent jurisdiction, within the time fixed herein, shall be guilty of a misdemeanor punishable as provided in Section 14.103 of this Code. Provided further, that each day which such violation occurs shall be a separate and distinct offense.
- B. The application of the above penalty shall not be held to prevent the forced removal of prohibited conditions.

Section 4.313. License to Individual.

Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally.

Section 4.501. Adoption.

There is hereby adopted by the City of Pawnee, Oklahoma, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or

explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the American Insurance Association, being particularly the 1965 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by Section 4.505 of this Ordinance), of which code not less than three (3) copies have been and now are filed in the Office of the Clerk of the City of Pawnee, Oklahoma, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect the provisions thereof shall be controlling within the limits of the City of Pawnee, Oklahoma.

Section 4.502. Enforcement.

The code hereby adopted shall be enforced by the Chief of the Fire Department.

Section 4.503. Definition.

Wherever the word "Municipality" is used in the code hereby adopted, it shall be held to mean the City of Pawnee, Oklahoma.

Section 4.504. Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents, Storage of Flammable Liquids in Outside Above-ground Tanks, and Bulk Storage of Liquefied Petroleum Gases Is to Be Restricted.

The limits referred to in Section 53b of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in Section 74a of the code hereby adopted in which storage of Class I liquids in outside above ground tanks is prohibited, and the limits referred to in Section 114 of the code is hereby adopted, in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows:

The South One-half (S/2) of Block Nine (9), the North One-half (N/2) of Block Twenty- four (24), the South One-half (S/2) of Block Ten (10), 11 of Blocks Eleven (11), Twenty three (23), Twenty-two (22), Twelve (12), Twenty (20), Thirteen (13), Four (4), Five (5), Six (6), Nineteen (19), Thirty-four (34), Forty-eight (48), Thirty-three (33) and all of that part of Block Thirty-one (31) lying South and West of Black Bear Stream and Lots One (1), Two (2), Three (3) and Four (4) in Block Thirty (30).

Section 4.505. Modifications.

The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 4.506. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the

code do not apply or that the true intent and meaning of the code have been_ misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief - of the Fire Department to the City of Pawnee, Oklahoma, within thirty (30) days from the date of the decision appealed.

Section 4.507. Penalties.

- A. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of the City of Pawnee, Oklahoma, or by a Court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Forty Dollars (\$40.00). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and -all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 4.601. all Applicants for Issuance or Renewal of Residential Building Permits Shall in Addition to Existing Requirements of this Chapter Be Required to:

- A. Obtain a certificate of insurance from the applicant that he (it) has general liability insurance of \$50,000.00 (amount currently required by the Construction Industries Board) and
- B. That the applicant has worker's compensation insurance or a worker's compensation exemption verification document and
- C. A charge of \$5.00 shall be charged to each applicant for building permit issuance or renewal to be forwarded as provided by Senate Bill 1182.

Section 4.701. Adoption of International Residential Code, 2009 Edition.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of Pawnee, Oklahoma, being marked and designated as the INTERNATIONAL RESIDENTIAL CODE, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Pawnee, in the State of Oklahoma for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than threes stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code

on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 4.702. Modification.

The following sections are hereby revised:

Section R101.1. Insert: City of Pawnee, Oklahoma

Table R301.2(1) Insert: Appropriate Design Criteria to be adopted by resolution of the Commission

Section P2603.6.1 Insert: Sewer Depth. Building sewers shall be a minimum of 34 inches below grade unless insulated.

All sections regarding issuance or renewal of residential building permits are hereby amended to conform with Section 4.601 of the Pawnee City Code.

Section 4.703. Repeal.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4.704. Severability.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Commission hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4.705. Rights of Remedy.

That nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7.801. Adoption of International Fire Code, 2009 edition.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of Pawnee, Oklahoma, being marked and designated as the INTERNATIONAL FIRE CODE, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Pawnee, in the State of Oklahoma for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection, of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with

the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance,

Section 7.802. Modification.

Section 101.1 Insert: CITY OF PAWNEE.

Section 109.3.: Substitute: Section 109.3 Violation penalties. Any person who shall violate a provision of this chapter or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars, Each day that a violation continues shall be deemed a separate offense.

Section 111.4: Substitute: Section 111.4 Failure to Comply, Any person who shall continue any work after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine not to exceed Five Hundred (\$500.00) Dollars for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 405 Substitute Emergency Evacuation Drills. Emergency evacuation drill complying with the provisions of this Section shall be conducted in the educational and institutional type occupancies where such occupancies constitute a major occupancy of building or when required by the Fire Code Official. During severe weather fire drills may be postponed. A record of all fire drills shall be kept and persons in charge of such occupancies shall file written reports at least once a month, giving the time and date of each drill held. Drills shall be designed in cooperation with the local authorities.

Section 1011.3. Insert: Obstructions. No person shall place, store or keep, or permit to be placed, stored or kept on or under or at the bottom of any exit stairway, inside or outside, exit hallway, elevator or other means of egress, any materials that the presence or the burning or which would obstruct or render hazardous, egress or persons from the building.

Section 108 Board of Appeals. is hereby deleted in its entirety.

Any and all references to oil and gas production are hereby deleted in their entirety.

Section 3301.1.3. Fireworks. is hereby deleted in its entirety.

All sections are hereby amended to conform with Sections 4.501 thru 4.506, inclusive, of the Pawnee City Code.

Section 7.803. Geographic Limits.

That the geographic limits referred to in certain sections of the 2009 International Fire Code are hereby established as follows:

Section 3404.2.9.6.1: City Limits

Section 3406.2.4.4: City Limits

Section 3506.2: City Limits

Section 3804.2: City Limits

Section 7.901. Adoption of International Existing Building Code, 2009 Edition.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of Pawnee, Oklahoma, being marked and designated as the International Existing Building Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Pawnee, in the State of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any. prescribed in Section 2 of this ordinance.

Section 7.902. Modifications.

The following sections are hereby revised:

Section 101.1. Insert City of Pawnee, Oklahoma

Section 1302. Insert: December 1, 2012

All modifications as adopted by the Oklahoma Uniform Building Code Commission in Title 748, Chapter 20 of the Rules of the Oklahoma Uniform Building Code Commission.

CHAPTER 5 – BUSINESSES AND OCCUPATIONS

Section 5.201. Definitions.

All of the terms and phrases used in this chapter shall be given the same use and meaning as defined by the Oklahoma Alcoholic Beverage Act, Oklahoma Statutes or regulations promulgated by the ABLE Commission with the same force and effect as if set forth in full herein and such definitions are hereby made a part hereof by reference.

- A. ABLE commission means the Alcoholic Beverage Laws Enforcement Commission.
- B. Alcohol means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with Acts of Congress and regulations promulgated thereunder;
- C. Alcoholic beverage means alcohol, spirits, beer, and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings;
- D. Beer means any beverage of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley or other grain, malt or similar products. Beer may or may not contain hops of other vegetable products. The term "beer" includes, among other things, beer, ale, stout, lager beer, porter, and other malt or other brewed liquors, but does not include sake, known as Japanese rice wine;
- E. Beer keg means any manufacturer-sealed, single container that contains not less than four (4) gallons of beer;
- F. Brewer includes any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which a license fee and a tax are imposed by any law of this state;
- G. Brewpub means a licensed establishment operated on the premises of, or on premises located contiguous to, a small brewer, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption;
- H. Caterer means any person authorized to sell mixed beverages for on-premises consumption incidental to the sale or distribution of food and who is required to have a caterer's license from the state alcoholic beverage laws enforcement commission;
- I. Cider means any alcoholic beverage obtained by the alcoholic fermentation of fruit juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the distribution of this product, cider may be distributed by either wine and spirits wholesalers or beer distributors;
- J. Convenience store means any person primarily engaged in retailing a limited range of general household items and groceries, with extended hours of operation, whether or not engaged in retail sales of automotive fuels in combination with such sales;
- K. Convicted and conviction mean and include a finding of guilt resulting from a plea of guilty or nolo contendere, the decision of a court or magistrate or the verdict of a jury, irrespective of the pronouncement of judgment or the suspension thereof;
- L. Distiller means any person who produces spirits from any source or substance, or any person who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits (except a person making or using such material in the authorized production of wine or beer, or the production of vinegar by fermentation), or any person who by any process separates alcoholic spirits from any fermented substance, or any person who, making or keeping mash, wort, or wash, has also in his possession or use a still;
- M. Grocery store means a person primarily engaged in retailing a general line of food, such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and poultry;
- N. Hotel or motel means an establishment which is licensed to sell alcoholic beverages by the individual drink and which contains guestroom accommodations with respect to which the predominant relationship existing between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this section, the existence of other legal relationships as between some occupants and the owner or operator thereof shall be immaterial;
- O. Manufacturer means brewer, distiller, winemaker, rectifier, or bottler of any alcoholic beverage and includes its subsidiaries, affiliates and parent companies;
- P. Meals means foods commonly ordered at lunch or dinner and at least part of which is cooked on the licensed premises and requires the use of dining implements for consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or desserts shall not be considered "meals";
- Q. Mini-bar means a closed container, either refrigerated in whole or in part, or nonrefrigerated, and access to the interior of which is:
 - 1. restricted by means of a locking device which requires the use of a key, magnetic card or similar device, or
 - 2. controlled at all times by the licensee;
- R. Mixed beverage cooler means any beverage, by whatever name designated, consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings, dairy products or carbonated water containing more than one-half of one percent (1/2 of 1%) of alcohol measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-five (375) milliliters. Such term shall include, but not be limited to, the beverage popularly known as a "wine cooler."

- S. Mixed beverages means one or more servings of a beverage composed in whole or part of an intoxicating alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, caterer, beer and wine, public event, charitable event or special event license;
- T. Motion picture theater means a place where motion pictures are exhibited and to which the general public is admitted, but does not include a place where meals, as defined by this section, are served, if only persons over twenty-one (21) years of age are admitted;
- U. Officer means any officer, director, stockholder, owner, manager, or any person who has a financial interest in a state licensee or who directs any policy of a state licensee.
- V. Owner means any officer, owner, manager or other person who shall receive any percentage of profits directly from the operation of a tavern or directs any policy of a tavern.
- W. Occupation as used in connection with "occupation tax" means the sites occupied as the places of business of the manufacturers, wholesalers, beer distributors, retailers, mixed beverage licensees, on-premises beer and wine licensees, bottle clubs, caterers, public event and special event licensees;
- X. Original package means any container of alcoholic beverage filled and stamped or sealed by the manufacturer;
- Y. Package store means any sole proprietor or partnership that qualifies to sell wine, beer and/or spirits for off-premise consumption and that is not a grocery store, convenience store or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premise consumption;
- Z. Patron means any person, customer or visitor who is not employed by a licensee or who is not a licensee;
- AA. Person means an individual, any type of partnership, corporation, association, limited liability company or any individual involved in the legal structure of any such business entity;
- BB. Premises means the grounds and all buildings and appurtenances pertaining to the grounds including any adjacent premises if under the direct or indirect control of the licensee and the rooms and equipment under the control of the licensee and used in connection with or in furtherance of the business covered by a license. Provided that the ABLE Commission shall have the authority to designate areas to be excluded from the licensed premises solely for the purpose of:
1. allowing the presence and consumption of alcoholic beverages by private parties which are closed to the general public, or
 2. allowing the services of a caterer serving alcoholic beverages provided by a private party.
- This exception shall in no way limit the licensee's concurrent responsibility for any violations of the Oklahoma Alcoholic Beverage Control Act or this ordinance occurring on the licensed premises;
- CC. Private event means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event;
- DD. Public event means any event that can be attended by the general public;
- EE. Rectifier means any person who rectifies, purifies, or refines spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing, from mash, wort, wash, or other substance, through continuous closed vessels and pipes, until the production thereof is complete), and any person who, without rectifying, purifying, or refining spirits, shall by mixing (except for immediate consumption on the premises where mixed) such spirits, wine, or other liquor with any material, manufactures any spurious, imitation, or compound liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials, or any other name.
- FF. Regulation or rule means a formal rule of general application promulgated by the ABLE Commission as herein required;
- GG. Restaurant means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises;
- HH. Retail container for spirits and wines means the original package for spirits and wines of any capacity approved by the United States Bureau of Alcohol, Tobacco and Firearms.
- II. Retailer means the holder of a Package Store License;
- JJ. Sale means any transfer, exchange or barter in any manner, or by any means whatsoever, and includes all sales made by any person, whether as principal, proprietor, agent, servant or employee;
- KK. Short order food means food other than full meals including but not limited to sandwiches, soups and salads. Provided that popcorn, chips and other similar snack food shall not be considered "short order food";
- LL. Small brewer means a brewer who manufactures less than twenty-five thousand (25,000) barrels of beer annually pursuant to a validly issued Small Brewer License hereunder;
- MM. Small farm wine means a wine that is produced by a small farm winery with seventy-five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables;
- NN. Small farm winery means a wine-making establishment that does not annually produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade

Bureau, Report of Wine Premises Operations (TTB Form 5120.17);

- OO. Sparkling wine means champagne or any artificially carbonated wine;
- PP. Special event means an entertainment, recreation or marketing event that occurs at a single location on an irregular basis and at which alcoholic beverages are sold;
- QQ. Spirits means any beverage other than wine, beer or light beer, which contains more than one-half of one percent alcohol measured by volume and obtained by distillation, whether or not mixed with other substances in solution, and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds; but shall not include any alcohol liquid completely denatured in accordance with the Acts of Congress and regulations pursuant thereto.
- RR. State licensee means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, and any agent, servant, or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises.
- SS. Wine and spirits wholesaler or wine and spirits distributor means and includes any sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term "wholesaler", as used in this act, shall be construed to refer to a wine and spirits wholesaler; and
- TT. Wine means and includes any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine. Winemaker means any person who produces wine.

Section 5.202. Occupation Tax.

Levied: There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated below and in the following amounts:

- A. Brewer \$1,250.00
- B. Oklahoma Brewer 125.00
- C. Bonded Warehouse 190.00
- D. Storage 23.00
- E. Distiller 3,125.00
- F. Winemaker 625.00
- G. Oklahoma Winemaker 75.00
- H. Rectifier 3,125.00

- I. Beer and Wine—Initial 500.00; Renewal 450.00
- J. Mixed Beverage—Initial 1,005.00; Renewal 905.00
- K. Caterer—Initial 1,005.00; Renewal 905.00
- L. Hotel Beverage—Initial 1,005.00; Renewal 905.00
- M. Caterer/Mixed Beverage Combination 1,250.00
- N. Wine and Spirits Wholesaler 3,000.00
- O. Beer Distributor....750.00
- P. Retail Package Store 305.00
- Q. Bottle Club... 1,000.00
- R. Annual Special Event 55.00
- S. Quarterly Special Event 55.00
- T. Annual Public Event... 1,000.00
- U. One-Time Public Event... 225.00
- V. Small Brewer Self-Distribution... 750.00
- W. Brewpub License 1,005.00
- X. Brewpub Self-Distribution... 750.00
- Y. Mixed Beverage Service or Fraternal Organization Exempt Under IRS 501(c)... 500.00

If a license is required by the state for any of the above occupations, and if the state fails or refuses to issue or renew such license, the annual tax paid to the city under this section may be refunded if written proof satisfactory to the city clerk is supplied, showing that the state license has been denied.

Section 5.203. Application for Certificate; Investigation.

- A. Application: Every applicant for a certificate of compliance with zoning, fire, health and safety codes of the city required by 37 Oklahoma Statutes shall apply to the City Clerk by:
- 1. Filing a written application on forms prescribed by that office; and
 - 2. Paying a verification and certification fee in the amount as established by ordinance of the city commission at the time of filing.
- B. Investigation: Upon receipt of an application for a certificate of compliance, the Mayor shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with provisions of the zoning ordinances and any health, fire, building and other safety codes applicable to it.
- C. Time Limit For Action By City: The city shall act on all such applications within twenty (20) days of receipt thereof.

- D. Issuance: Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of compliance shall be issued to the ABLE commission of the state.
- E. Signature Required: The above certificates of compliance shall be signed by the Mayor.

Section 5.203.1. 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 such licensee enters upon such occupation. Thereafter, the licensee shall pay the tax annually on or before May 1st. All occupational taxes levied under the provisions of this chapter shall expire on April 30th of each year.
- B. Prorated for Beginning Operations: The occupation tax subject to this chapter shall be prorated on a monthly basis for the year in which an occupation begins operations.
- C. Receipt; Display: Upon payment of the said occupation tax, the city clerk shall issue a receipt and a certificate to said state licensee, at least one of which said licensee shall post in a conspicuous place on the premises wherein the licensee carries on the licensee's occupation.
- D. The occupation taxes levied by this Chapter shall cover only the person paying the tax and no other successor thereof and shall not be refundable nor transferable under any circumstances.
- E. Penalty: Any person who engaged in any of the occupations taxed by this chapter without paying said occupation tax imposed therefor in advance of such operation, is guilty of an offense against the city and, upon a conviction thereof, shall be subject to penalty as provided in section 14.103 of this code. Each day of such violation shall constitute a separate offense.

Section 5.204. Hours of Sale.

- A. No package store, or the premises upon which it is located, shall be open for the purpose of selling any alcoholic beverages at any hour other than between the hours of 6:00 a.m. and 2:00 a.m..
- B. No holder of a Retail Wine License or a Retail Beer License shall sell any beer or wine at any hour other than between the hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through Sunday.
- C. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage, caterer, public event, charitable event, special event, on- premises beer and wine, small brewer or brewpub licensee between the hours of 2:00 a.m. and 6:00 a.m.

Section 5.205. Consumption After Hours Unlawful.

REPEALED

Section 5.206. Dancing or Music After Hours – Unlawful.

REPEALED

Section 5.207. Unlawful Sale.

REPEALED

Section 5.301. Retail Alcoholic Beverage Store – Definition.

REPEALED

Section 5.302. License.

REPEALED

Section 5.303. Term of License.

REPEALED

Section 5.304. Offense.

REPEALED

Section 5.401. Definitions.

Itinerant merchant means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car or public room in hotels, lodging houses, apartments, shops, or any street, alley, public or private parking lot, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. The term "itinerant merchant" shall also include transient merchants and itinerant vendors.

Peddler means any person, whether a resident of the city or not, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares or merchandise, offering and exposing the same for sale, or making sales and delivering articles to purchasers.

Section 5.402. Police to Enforce.

It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this article to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating the same.

Section 5.403. Exemptions.

The provisions of this article shall not apply to the following:

- A. Sales of goods, wares, or merchandise made to dealers or retailers by any commercial traveler or sales agent in the usual course of business;
- B. Delivery of goods, wares, or merchandise to a regular customer under any general or customary arrangement as might be made with a regular clientele;
- C. Sales of farm or dairy products produced or grown by the person selling or offering them for sale;
- D. Gratuitous dissemination of any materials with respect to noncommercial matters;
- E. Sales of goods, wares, and merchandise by any charitable or religious organization or association;
- F. Sales of goods, wares and merchandise made as a part of any residential garage or yard sale;
- G. Sales of goods, wares, and merchandise made as a part of any arts and crafts festival, show, bazaar, bake sale, or similar event lasting not longer than three days.

Section 5.404. Required.

It shall be unlawful for any itinerant merchant or peddler to engage in such business within the city without first obtaining a license in compliance with the provisions of this article.

Section 5.405. Application.

Applicants for license under this article shall file an application signed by the applicant, if an individual, by all partners if a partnership, and by the president or chief executive officer if a corporation, association, club or society with the city clerk, showing:

- A. With respect to the applicant:
 - 1. Name, permanent address and local address, if any, telephone number, and, driver's license;
 - 2. Name of the person having the management or supervision of the applicant's business during the time such business will be carried on in the city; the permanent address or addresses of such person; the local address of such person;
 - 3. Name and address of the person, firm or corporation for whose account the business will be carried on, if any;
 - 4. Capacity in which the applicant will act;
 - 5. If applicant is a corporation, under the laws of what state the same is incorporated;
- B. The place or places in the city where it is proposed to carry on applicant's business;
- C. The length of time during which it is proposed that said business shall be conducted;

- D. If applicant is applying for an itinerant merchant's license, the place, other than the permanent place of business of the applicant where applicant within the six months next preceding the date of said application conducted a temporary business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
- E. With respect to the goods, wares or merchandise to be sold or offered for sale, a statement of:
 - 1. Their nature or kind;
 - 2. Their invoice value and quality;
 - 3. Whether they are to be sold at auction, or by direct sale, or by direct sale and by taking orders for future delivery;
 - 4. Where they are manufactured or produced;
 - 5. Where they are located at the time the application is filed;
- F. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers;
- G. Whether or not the person having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any city ordinance, the nature of such offense and the punishment assessed therefor;
- H. A copy of the applicant's state sales tax permit including the sales tax permit number, or if the applicant is a charitable or religious organization, a copy of the applicant's state sales tax exemption;
- I. If the application requests an itinerant merchant's license, written approval from the Mayor or designee, approving the place within the city where the temporary business will be located.

Section 5.406. Fee.

- A. The fee for an itinerant merchant's or peddler's license shall be \$3.00. The fee provided for herein shall be deposited to the general fund of the city.
- B. In the event that a person applying for an itinerant merchant's license desires to do business in more than one place within the city, such applicant shall be required to pay only one license fee, which fee shall be made to cover all places of business of such applicant, provided, however, that each separate place of business shall be issued a license by the city clerk and shall post such license conspicuously in such place of business.
- C. In the event that a person applying for a peddler's license desires to engage in business through one or more agents or employees, such applicant shall be required to pay only one license fee, which fee shall be made to cover all his agents or employees; provided, however that each agent designated shall be issued an individual peddler's license by the city clerk and shall carry such license upon his person.

Section 5.407. Term.

All licenses issued under the provisions of this article shall expire one year from the date of issuance thereof unless a prior date is fixed therein.

Section 5.408. Exhibition.

In the case of an itinerant merchant, the license issued under this article shall be posted conspicuously in the place of business named therein. In the case of a peddler, the license issued under this article shall be carried on his person at all times that he is engaged in the business of peddling, and he shall exhibit the license upon the request of any police officer or citizen of the city.

Section 5.409. Transfer.

No license issued under the provisions of this article shall be transferred to another person.

Section 5.410. Revocation.

- A. The licenses issued pursuant to this article may be revoked by the chief of police, after notice and hearing, for any of the following causes:
1. Any fraud, misrepresentation or false statement contained in the application for license;
 2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
 3. Any violation of this article;
 4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
 5. Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.
- C. Any person aggrieved in connection with the revocation of such a license shall have the right to appeal to the city council. Such appeal shall be taken by filing with the city council within 14 days after notice of the decision by the chief of police has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The city council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in this section for notice of hearing on revocation.

Section 5.411. Definitions.

Canvasser means one who, in a given area, goes from house to house in an effort to take orders for goods.

Interstate commerce means soliciting, selling or taking orders for any goods, wares, merchandise, photographs, newspapers or magazines, or subscriptions to newspapers or magazines which, at the time the order is taken, are in another state or will be produced in another state and shipped or introduced into this city in the fulfillment of such orders.

Solicitor means any person who goes from house to house, or place to place, in the city, filling or taking orders for, or offering to sell or take orders for goods, wares, merchandise or any article for future delivery.

Section 5.412. Aggressive Panhandling Prohibited.

A. Declaration of Findings and Policy.

The city of Pawnee, acting by and through its City Council, hereby makes the following findings:

1. The City of Pawnee has a duty to protect the rights of all people to exercise their First Amendment rights safely. The City of Pawnee has a compelling governmental interest in imposing certain reasonable time, place and manner regulations whenever potential First Amendment activities such as begging, solicitation and panhandling occur on streets, highways, sidewalks, walkways, plazas, and other public venues within the City;
2. This ordinance is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in constitutionally protected activities. The provisions of this division are expressly established to most narrowly tailor any such restrictions to protect the First Amendment rights of all people within the City as well as the rights of non-participating people and their property, and to ensure the rights and safety of all people and/or property to the extent possible;
3. Persons approached by individuals asking for money, objects or other things of any value are particularly vulnerable to real, apparent or perceived coercion when such request is accompanied by or immediately followed or preceded with aggressive behavior such as:
 - i. continuing to beg or solicit from a person after the person has given a negative response to such solicitation;
 - ii. touching another person or their property in the course of begging or soliciting without that person's consent;
 - iii. blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means;
 - iv. using violent or threatening gestures which are likely to provoke an immediate violent reaction from the person who is the subject of the solicitation or request for money;
 - v. closely following behind, ahead or alongside a person who has been solicited or asked

for money after that person has given a negative response to such solicitation;

- vi. using profane, threatening, or abusive language, either during the solicitation or begging or following a refusal;
- vii. begging or soliciting money from anyone who is waiting in line for tickets, entering a public building or riding on public transportation;
- viii. begging or soliciting in a manner with conduct, words or gestures intended or likely to cause a reasonable person to fear imminent bodily harm, danger or damage to or loss of property or otherwise to be intimidated into giving money or any other thing of value; or
- ix. begging or soliciting in a group of two or more persons in an intimidating fashion.

4. The City desires to respect a person's potential right to solicit, beg or panhandle while simultaneously protecting another's right to not be unduly coerced.

5. The City further finds that aggressive soliciting, begging or panhandling of persons within 20 feet of any outdoor seating area of any cafe, restaurant or other business bank, automated teller machine, automated teller machine facility, check cashing business, mass transportation facility, mass transportation stop, or pay telephone also subjects people being solicited to improper and undue influence and/or fear and should not be allowed.

6. Persons approaching other individuals in an aggressive manner asking for money, objects or other things of any value after dark in public places inspire alarm and fear, which coupled with the inherent difficulty of establishing identity should not be allowed.

B. Purpose and Intent.

The public purpose of this ordinance is to protect the rights of all peoples to exercise their First Amendment rights as well as the people and/or property of those who chose to be non-participating.

C. Definitions.

As used in this section, the following words and terms shall have the meanings indicated. The meaning of all other terms and words not specifically defined shall be their generally accepted definition:

1. "Beg," "begging" or "panhandling" shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place.
2. "Solicit" or "Soliciting" shall include using the spoken, written, or printed word, bodily gestures, signs, or other means of communication with the purpose of obtaining an immediate donation of money or other thing of value the same as

begging or panhandling and also include the offer to immediately exchange and/or sell any goods or services.

3. "Aggressive manner" shall mean:

- i. approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value;
- ii. continuing to solicit from a person after the person has given a negative response to such soliciting;
- iii. intentionally touching or causing physical contact with another person or their property without that person's consent in the course of soliciting;
- iv. intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- v. using violent or threatening language and/or gestures toward a person being solicited, or toward their property, which are likely to provoke an immediate violent reaction from the person being solicited;
- vi. following the person being solicited, with the intent of asking that person for money or other things of value;
- vii. soliciting money from anyone who is waiting in line for tickets, for entry to a building or for any other purpose;
- viii. soliciting in a manner with conduct, words or gestures intended or likely to cause a reasonable person to fear immediate bodily harm, danger or damage to or loss of property or otherwise be intimidated into giving money or any other thing of value;
- ix. begging in a group of two or more persons in an intimidating fashion;
- x. soliciting any person within 20 feet of the entrance to, or parking area of, any bank, automated teller machine, automated teller machine facility, check cashing business, mass transportation facility, mass transportation stop, public restroom, pay telephone or theatre or place of public assembly, or of any outdoor seating area of any cafe, restaurant or other business;
- xi. soliciting any person in public after dark, which shall mean the time from one half hour before sunset to one-half hour after sunrise.

4. "Automated teller machine" shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments which are made available to banking customers.
 5. "Automated Teller Machine Facility" shall mean the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers during and after regular banking hours.
 6. "Public place" shall mean a place to which the public has access, including, but not limited to: a place which a governmental entity has title, any street open to public use, bridge, sidewalk, walkway, driveway, parking lot, plaza, transportation facility, school, park, or playground, and the doorways and entrances to building and dwellings.
- D. Prohibited Activity. It shall be unlawful for any person to beg, panhandle or solicit any other person in an aggressive manner. It is unlawful for any person to engage in panhandling from any operator or occupant of a motor vehicle in a lane of traffic on a public street. Any police officer observing any person violating this provision may request or order such person to cease and desist in such behavior and may arrest such person if they fail to comply with such request or order.
- E. Penalty. Any person found guilty of violating this subsection (D) of this ordinance shall be punished by a fine not to exceed \$50.00 for each such day during which the violation is committed, continued or permitted.

Section 5.413. Hours of Operation.

No solicitor or canvasser shall operate in any residential section in the city except between the hours of 9:00 a.m. and 9:00 p.m.

Section 5.414. Exemption.

- A. The provisions of this article shall not apply to:
 1. Sales made to dealers or retailers by any commercial traveler;
 2. Sales agent in the usual course of business; or
 3. Sales made in the ordinary course of business.
- B. The provisions of this article shall not prevent the delivery of goods to a regular customer under any general or customary arrangement as might be made with a regular clientele; nor shall its provisions apply to vendors of farm or dairy products, the sale of insurance policies by insurance companies and its salesmen licensed under the state insurance code, or to the gratuitous, dissemination of any materials with respect to noncommercial matter.

Section 5.415. Required.

It shall be unlawful for any person to go from house to house, or place to place, soliciting, selling or taking orders

for, or offering to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers or magazines, or subscriptions to newspapers or magazines, without a license issued by the city clerk.

Section 5.416. Application.

Any person desiring the license required by this article shall make written application to the city clerk; such application shall show:

- A. The name, home address and local address, if any, telephone number, and driver's license of the registrant;
- B. The name and address of the person, firm or corporation, if any, that he represents or for whom or through whom orders are to be solicited or cleared;
- C. The nature of the articles or things which are to be sold, or for which orders are to be solicited;
- D. Whether the registrant upon any sale or order, shall demand, receive or accept payment of any deposit of money in advance of final delivery;
- E. The length of time for which the right to do business is desired;
- F. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery;
- G. A copy of the applicant's Oklahoma sales tax permit including the sales tax permit number, or if the applicant is a charitable organization, a copy of the applicant's state sales tax exemption.

Section 5.417. Fee.

The fee for the license required by this article shall be \$5.00. In case the applicant is engaging in business through agents or employees, such applicant shall be required to pay only one fee, and such fee shall cover the activities of all his agents or employees; provided, however, that each agent or employee designated shall carry upon his person an individual identification card issued by the city clerk. All fees shall be deposited in the city's general fund.

Section 5.418. Expiration.

A license issued pursuant to this article shall expire one year from its date of issuance.

Section 5.419. Display.

Any person soliciting or canvassing within the city shall carry his license with him and shall exhibit it upon demand of any police officer, constable, citizen or householder of the city.

Section 5.420. Revocation.

- A. Licenses issued pursuant to the provisions of this article may be revoked by the chief of police after notice and hearing for any of the following causes:

1. Any fraud, misrepresentation, or false statement contained in the application for license;
 2. Any fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as canvasser;
 3. Any violation of this article;
 4. Any conviction of any crime or misdemeanor involving moral turpitude;
 5. Conducting the business of soliciting, or of canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of the hearing on revocation shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

Section 5.421. Penalty.

Any person, firm, corporation or association violating any provision of this chapter shall be guilty of a misdemeanor punishable as provided in Section 14.103 of this Code. Provided further, that each day which such violation occurs shall be a separate and distinct offense.

Section 5.500. General Provisions.

It shall be unlawful and an offense for any person to do or perform, or cause to be done or performed, any work or labor of any kind upon or in connection with the drilling, mining or producing of oil, gas or other minerals within the corporate limits of the city, except as permitted under the provisions of this article.

Section 5.501. Permits; Development; Maintenance.

A. Drilling permit and site plan. It shall be unlawful for any person to drill or to maintain and operate any oil, gas, or disposal well within the corporate limits of the city, without first having obtained a permit to do so as hereinafter provided. A permit issued under the provisions of this section shall expire six months after the date of issuance thereof, unless operations for the drilling of an oil or gas disposal well have commenced on the land described in the permit prior thereto.

1. Permit application. Every person desiring to drill, maintain, or operate any oil, gas or disposal well within the city, shall file an application in writing upon the appropriate form as required by the building official and signed by the applicant or his agent authorized to sign same. Such application shall include the following:
 - i. The quarter-section, section, township and range, as well as the specific location within the quarter-section;
 - ii. A bonded abstractor's certified list of names and mailing addresses of all property owners within 300 feet of the boundary of the well site;

- iii. A filing fee as established by resolution of the city council; and
- iv. A drill site development plan which covers and includes that phase of the oil well operation including drilling operations and which shall contain the following information:
 - a) Written legal description;
 - b) Scale drawing of the property and appropriate dimensions;
 - c) Scale, north arrow, date and legend;
 - d) Name, address and telephone number of the property owner and applicant;
 - e) Location and size of existing easements, utilities and rights-of-way;
 - f) Signature blocks for the applicant and city council;
 - g) Location and dimension of all vehicular entrances, exits and drives;
 - h) General drainage system;
 - i) Size of site;
 - j) Location of all physical facilities to include, but not limited to, proposed wells, heat treaters, structures, portable toilets and relationship to all buildings within a 600-foot radius;
 - k) A statement describing all pollution prevention equipment to be utilized. It shall be the policy of the city to require blowout prevention devices on every drilling operation covered hereunder; and
 - l) Location of all mud pits.

2. The drill site plan shall be reviewed by the city for compliance with this article and other relevant provisions of this Code. Upon required notice being given, the city council shall hold a public hearing to review the drill site plan, receive comments from interested parties, and receive the recommendation of city staff.

3. The city council shall approve, approve conditionally, or disapprove the drill site plan. In the case of any action other than approval, the city council shall state the reasons for its actions. Approval of the drill site plan shall be documented by signature of the Mayor and acceptance by signature of the owners to be located on the original reproducible drawing of the site plan.

4. The land within the area covered by the drill site plan shall be developed only in accordance with the plan as finally approved by the city council. Any change, erasure, modification, revision or

deviation from that plan shall be considered invalid and a violation of the provisions of this article unless said change, erasure, modification, revision, or deviation shall have first been submitted to the city and approved according to the above procedure.

5. Prior to operation and maintenance, the person having made application, shall prepare and submit to the city a second drill site plan which shall cover the completed or producing well phase of the well operation, and which drill site plan may be the original drill site plan as submitted to the city with amendments made thereto, or may be a new and original drill site plan; provided that in either case, the plan shall contain the following information:
 - i. General location of tank batteries and size of tank battery site;
 - ii. Any oil, gas, or water lines to be utilized;
 - iii. Location of ingress and egress to be utilized by the applicant and to include all vehicular entrances, exits, and drives;
 - iv. Type of screening devices or construction to be utilized around the pumping site, so as to discourage access, entry, or climbing so as to endanger life and security; all screening shall be solid, of aesthetic design, composed of suitable natural or man made material, and not less than six feet high; the gates to any oil operation shall be kept locked with a padlock that cannot be cut with common bolt cutters at all times during which the oil production site is unattended.
 - v. The location and size, which shall be no more than 24 by 30 inches, of a sign which shall contain the name, address and emergency phone number of the oil producing company, and which sign shall be posted at the drilling site for use in any emergency notice which might arise.
6. City shall, within twenty days of receipt, review and consider the second drill site development plan as submitted. Upon receipt of the second drill site development plan, city staff shall inform all adjacent property owners of the filing of the second drill site plan. The site plan shall be considered to be approved containing those additional restrictions and regulations as placed on the plan unless a protest is filed with the city clerk within seven days of the approval. If a protest is received, the protestant shall have the right to appeal to the city council.
 - i. If both the first and second drill site plans are submitted at the same time, both plans shall be considered by the city council at the same public hearing.
 - ii. Should a change in ownership of the oil, gas, or disposal well occur after approval of the first drill site plan and/or after a drilling permit has been issued, the drill site plan or, the drilling permit as issued, shall be

considered to be transferable to the person, firm, corporation, or association purchasing and taking over operation of the oil, gas, or disposal well, provided that said person, firm, corporation, or association meets and complies with the provisions of this article including but not limited to those provisions relating to bonds and insurance required in this Code.

- iii. If the permittee fails to comply with any provision, restriction, or regulations of this article, as applied to said permit, the permit issued to such permittee may be revoked by the city council after giving written notice to such permittee of the facts or conduct which warrant the intended action, and affording the permittee an opportunity to show compliance with all lawful requirements for the retention of the permit. Any such permittee whose permit has been revoked may apply for a new permit upon a showing of compliance with all requirements of this article.
 - iv. The city is not a guarantor of the competence of the permittee as to drilling operations. A permit is not an expression by the city that any proposed oil operation can be done with safety to the operator or other persons or property. All of such risks are assumed by the permittee.
- B. Inspections. City may inspect any well operation at any time after issuance of a drilling permit for purposes of insuring conformance with the requirements of this chapter. Any applicant for a drilling permit shall be deemed to have granted the agents of the city the right of entry onto those properties covered by the drilling permit for the purposes of carrying out the inspections required by the city. Such inspections include:
1. An inspection to be made during drilling operations and which inspection shall cover those facets of the drilling operations covered by the drilling operation site plan;
 2. An inspection to be made during pumping operations and which inspection shall cover those facets of the pumping operations covered by the pumping operation site plan;
 3. An inspection following removal of the well and equipment, which inspection shall be made to ensure that the land is returned as nearly as practical to its previous original topography.
- C. Pollution. There is hereby adopted by the city, the rules and regulations of the corporation commission of the state, including but not limited to the general rules and regulations of the oil and gas conservation division and the same are hereby adopted and incorporated as fully as if set out at length herein. In addition, the following requirements must also be met:
1. The premises upon which any oil, gas or disposal well is drilled, operated, or maintained shall be kept free of all accumulations of rubbish, litter, unused equipment, or discarded materials, and

- other wastes in so far as the same may be reasonably done in the conduct of operations covered by this chapter.
2. All lands upon which a drilling operation is or has been operated shall, within a one year time period, be returned, as nearly as practicable, to the previous original topography and natural state unless the applicant has paid damages for removal for anything other than ground cover, in which case the applicant must, in lieu of returning the land to its natural state and topography, provide ground cover in the interest of abating erosion thereof.
- D. Spacing requirements. Wells and drilling operations and oil, gas, or disposal wells shall meet the following spacing requirements:
1. No new well or drilling operation equipment shall be located, drilled, or operated within 100 feet of any existing property lines.
 2. No new well or drilling operation shall be located, drilled, or operated within 200 feet of any existing residential dwelling unit. No new well or drilling operation shall be located, drilled, or operated within 200 feet of any existing nonresidential building located off site.
 3. No new oil, gas, or disposal well shall be drilled, operated, or maintained, nor shall any operations in connection therewith be carried on or conducted within 660 feet of any existing public school or hospital building.
 4. No proposed building shall be located within a radius of 200 feet from the wellbore of an active well or within a radius of 100 feet from the perimeter of surface equipment or other equipment necessary for the operation of an active well, including but not limited to hydrocarbon and brine storage vessels, tanks, compressors, heaters, separators, dehydrators or any other related equipment.
- E. Bonds and insurance required. At the time of filing an application for a drilling permit, the applicant shall file with the city clerk of the city a copy of the certificate of insurance issued by a corporate insurance company licensed to within the state, evidencing current insurance of the owner, his driller, agents, and employees conditioned for the payment of all damages due to injury to persons or damage to property resulting from the drilling operations, or maintenance of the proposed well or any structure, machinery, equipment, pipelines, or appurtenances used in connection therewith, in an amount not less than \$100,000.00. Said policy shall further provide that it shall not be cancelled until 30 days' written notice of such cancellation shall have been given to and filed with the city clerk. Such applicant shall also submit a copy of his agreement made with the corporation commission to drill, operate, and plug wells in compliance with the rules and regulations of the corporation commission. This material must also include evidence of financial ability to comply with the requirements for plugging, closure of surface impoundments, removal of trash and equipment as established by the rules and regulations of the corporation commission and by law. Said written agreement and evidence of financial ability will serve as a guarantee to the city that the rules and regulations of the corporation commission are being followed and to the applicant that the full enforcement of those regulations will apply to the abandonment of any well operation within the city.
- F. Annual inspection permit. Annual inspection permits for the operation and maintenance of all completed and operating oil and gas wells, existing or hereafter drilled, are hereby required, and shall be issued upon the payment of the annual inspection fee provided for herein. Such annual inspection fee shall be paid on or before July 1 of each year of operation after the issuance of the drilling permit, or, if no such permit was required or obtained, within 60 days after the effective date of this article. The permit fee for the drilling of an oil or gas well and the annual inspection fee shall be in amounts established by resolution of the city council. Upon payment of the annual inspection fee, and upon meeting the drill site development requirements contained herein, if said drill site development plan is required, the city clerk shall issue the annual permit contained herein.
- G. Corporation commission rules and regulations. The applicant for any such drilling permit or annual inspection permit, the drilling contractor and their agents or employees shall comply with all orders, rules and regulations of the corporation commission of the state, where applicable, including but not limited to, all rules and regulations of said commission with respect to drilling, plugging and abandonment of such wells.
- H. Additional conditions and requirements. In addition to the conditions contained herein, the city council hereby declares that the following additional conditions and restrictions are adopted:
1. All well operations which are placed upon the pump shall be powered by electricity.
 2. All permanent equipment shall be painted, where possible, and kept in a neat condition.
 3. All production operations shall be as free from noise as possible with modern operations.
 4. All power operations other than drilling and pulling units shall be only by means of electrical power, which shall not be generated from the drilling site.
 5. All completion and routine maintenance will be done during daylight hours unless in an emergency situation.
 6. No sign shall be constructed, erected, maintained, or placed on the premises or any part thereof, except those required by law or this Code to be displayed in connection with the drilling, maintenance or operation of the well.

CHAPTER 6 – ORGANIZATION

Section 6.101. Corporate Limits.

The corporate limits of the City of Pawnee, Oklahoma, shall until lawfully changed be and continue to be as they were at the time of the taking effect of these Revised Ordinances, the same as if these Revised Ordinances had not been adopted.

Section 6.102. Ward Boundaries.

The ward boundaries shall be and remain until changed as provided by law, the same as they were at the time of the adopting of these Revised Ordinances.

CHAPTER 7 – ELECTRICITY, WATER, GARBAGE AND SEWER

Section 7.101. To Whom Electricity Furnished.

The City of Pawnee, Oklahoma, shall hereafter furnish electric current to persons desiring to use the same within the corporate limits of said City, and at the City's option to those within a radius of four (4) miles of the City, at the rates and subject to the conditions, rules, regulations and requirements prescribed in the provisions of this Chapter.

Section 7.102. Payment of Electric Bills; Discontinue Service; Re-Connection Charge; Penalty.

All bills for the use of electric current and supplies, shall be due on the first day of the month following the month of use and shall be paid at the Office of the City Clerk and if the same is not paid by the 10th day of the month following the month of use or purchase, the City Clerk may, and it is hereby made his duty to discontinue service without further notice. A charge of Seventy-Five dollars (\$75.00) may be made for each and every meter reconnected when said meter has been discontinued by reason of consumer becoming delinquent, which said funds shall be placed to the credit of the Electric Department. If the same is not paid by the 15th day of the month following the month of use or purchase, a 4% penalty may be assessed and added to actual usage and paid to the City Clerk. Said penalty to be cumulative each month as to unpaid delinquent amounts.

Section 7.103. Meters.

The amount of electric current furnished to consumers thereof shall be determined by electric meters installed at each place so required in the City of Pawnee. Such meter shall be furnished by and be the property of the City of Pawnee, except in cases where a meter of special size or design is required. In which case, the same shall be furnished by the department but shall be paid for by the consumer at the discretion of the City. In all places where the consumer's wiring is divided, thus necessitating the use of two (2) or more meters, each meter shall be handled and regarded as for a separate and distinct consumer, to each of which the regular electric rates and minimum charges will apply until such wiring is so arranged as to permit the use of but one meter. Under no circumstances, shall the consumption shown by two or more meters in use by the same consumer be added or lumped in order to reduce the net sum due to City.

Section 7.104. Who May Be Connected.

The City will connect any building place or structure properly wired for electric current which is adjacent to the electric system of the City, and all property used in such connection shall be the property of the City, and may be removed at any time.

Section 7.105. Extensions.

The Superintendent of the Electric Department shall extend the lines to any part of the City, for electric service when sufficient funds are available and when the amount of new business, to be secured by such extensions will make them practical. In such cases it will be the duty of the superintendent to prepare an estimate on the costs of such lines, together with the available amount of new business to be gained, to be presented to the City Council for approval.

Section 7.106. Deposit Required.

This section was repealed and replaced with Section 7.125.M. and N. by Ordinance No. 1064 which was passed and approved on December 3, 2007.

Section 7.107. Test of Meters.

The Electric Department will upon demand test any consumer's meter, the consumer to deposit with the City Clerk the sum of thirty dollars (\$30.00), which amount will be returned to the consumer after the test is made, PROVIDED, the meter is found to be over two percent (2%) incorrect, otherwise the same shall become the property of the Electric Department of the City of Pawnee. If the meter be found to be incorrect in more than two percent (2%), correction shall be made only in the month for which the bill was rendered.

Section 7.108. Inspector.

Any connections, extensions, testing of meters, and other necessary work shall be approved by an employee designated by the Mayor and City Council.

Section 7.109. Electric Current Rates and Effective Date of Rates.

- A. For the purposes of establishing rates and charges for electrical service furnished by the City, consumers are hereby classified as follows:
1. Residential rates: These rates shall apply to all single- or multiple-family dwellings.
 2. Commercial rates: These rates shall apply to all customers, other than those on residential rates, Large Power service rates, Public School rates, or Government rates.
 3. Large power service: All three phase service of not less than 50 kilowatt equipped with demand meters.
 4. Public School rates: These rates shall apply to any institution providing formal education training for kindergarten, elementary, middle, or high school students with a pronounced reduction in demand during June, July, and August or any independent school district account.
 5. Government rates: These rates shall apply to any tribal nation with separate Sovereign status.
- B. The rates charged to customers for electric service shall be the most recent adopted standard rate schedules currently on file and authorized for use by the City Commission of the City of Pawnee. Not less than three copies of said standard rate schedules are to be filed in the office of the City Clerk for the City, and the same are hereby adopted and incorporated by reference as fully as if set out at length herein.
- C. The City reserves the right to negotiate electric rates with any new or expanding large power service users with average or expected monthly usage of over 15,000 KWH. Such rates shall not be lower than the City's average cost per KWH from the previous year.

The following shall constitute classification of and establishment of electric current rates to consumers of electricity from the City of Pawnee, payable monthly, to-wit:

A. Resident Rate Schedule

1. Availability
2. Available for domestic service through one meter to single family dwellings including service to a private garage or incidental buildings adjacent thereto which are used exclusively by the customer, subject to the established rules and regulations. The capacity of individual motors shall not exceed 10 horsepower. Not available for commercial service.
3. Character of Service
4. Single-phase at available voltage.
5. Rate
6. Rates for residential electric service shall be as shown on the following rate schedule.
 - i. Residential Electric:
 - ii. Customer Charge \$24.89
 - iii. First 500 KWH 0.11148
 - iv. Next 500 to 2000 KWH 0.11148
 - v. Over 2000 KWH 0.11148

B. Commercial Rate Schedule

1. Availability
2. Available for commercial and small industrial service through one meter and with one voltage transformation at the City's available secondary voltage. Subject to the established rules and regulations.
3. Character of Service
4. Single-phase or three-phase, approximately 60 cycles, at available secondary voltage.
5. Rate
6. Rates for commercial electric service shall be as shown on the following rate schedule:
7. Commercial Electric
8. Customer Charge \$24.89
9. Energy Charge per Kilowatt Hour
 - i. First 500 kilowatt hour 0.1115
 - ii. Next 500 to 2000 kwh 0.1018
 - iii. Over 2000 kwh 0.0951

C. Industrial Rate Schedule

1. Availability
2. To any industrial consumer with 50 Kilowatt or more demand. For all electric service supplies at one point of delivery and measured through one meter. Not applicable for resale, breakdown, or standby services.
3. Character of Service
4. Three-phase, approximately 60 cycles at available primary or secondary voltage.
5. Rates
6. Rates for industrial service shall be shown at the following rate schedule:
7. Industrial Electric
 - i. Customer Charge \$24.89
 - ii. First 500 KWH 0.0843
 - iii. Next 500 to 2000 KWH 0.0843
 - iv. Over 2000 KWH 0.0843

D. Public Schools and Hospitals

1. Rates
2. Rates for public schools and hospital service shall be shown at the following rate schedule:
3. Public Schools and Hospitals
 - i. Customer Charge \$24.89
 - ii. Energy Charge per KWH:
 - iii. First 500 KWH 0.0843
 - iv. Next 500 to 2000 KWH 0.0843
 - v. Over 2000 KWH 0.0843

E. Governments

Rates for government service shall be shown at the following rate schedule:

Government Electric

Customer Charge	\$11.40
Energy charger per KWH	0.0795

F. Power Cost Adjustment

- G. All bills will be adjusted monthly, but not less than zero, by the amount of the power cost adjustment received by the City of Pawnee from its supplier.

Section 7.109A. Effective Date of Rates.

The utility rate increases referenced herein shall become effective at the end of the City's current billing cycle which is anticipated to be on or about November 21, 1993. All utility service provided after the November 1, 1993 meter

reading shall be billed at the rates established pursuant to this Ordinance, as amended.

Section 7.109B. Security Light Installation Fee and Monthly Charge.

The following shall establish the installation fee and monthly charge for a security light upon request made by any city utility customer or the City, to-wit:

- A. Installation fee \$90.00
- B. Monthly charge \$9.50

*See Sec. 7.148 for tampering, removal, disconnecting, or reconnecting city electric meters and applicable usage fees. See section 7.125 for Terms and Condition of service for utility Billing and Collection.

Section 7.109C. Bilateral Metering for Renewable Energy.

- A. Application: The rates prescribed in this schedule are applicable to residential, general, commercial light and power, or industrial light and power customers who contract for the purchase of capacity and/or energy from the City at one (1) delivery point and who desire to generate at least a portion of their energy requirements by operating in parallel with the City's system. Customer's source of parallel generation may include windmills, water wheels, solar generators, geothermal devices, or other renewable resources. This schedule is not applicable to maintenance, backup, interruptible, supplementary or resale electric service.
- B. Character of service: The service provided under this schedule shall be alternating current, 60 hertz, at the voltage and phase of the City's established secondary distribution system at the location of the customer. The City shall not be required to furnish three-phase service for generators less than 10 kva in size nor to furnish single-phase service to generators more than 50 kva in size.
- C. Additional terms and conditions of service: The following terms and conditions shall apply to service under this schedule:
 - 1. The City will supply, own and maintain all necessary meters and associated equipment utilized for measuring capacity and energy delivered to customer and energy delivered to City. In addition, for purposes of monitoring customer generation and load, the City may install at its own expense, load research metering. The customer shall supply, at no expense to the City a suitable location for meters and associated equipment used for billing and for load research.
 - 2. The customer shall furnish, install, operate and maintain in good working order all facilities beyond City's metering facilities including such automatic synchronism, control and protective devices, breakers, relays, locks and seals, as shall be designated by City as being required for operation of the generator in parallel with City's system. Interconnection facilities shall be accessible to City personnel at all times.

- i. The customer may be required to reimburse the City for any equipment or facilities required as a result of the installation by the customer of parallel generation equipment.
 - ii. The customer shall furnish plans and drawings of the generation and interconnecting facilities to the City for approval (or disapproval) prior to issuing a permit for construction of these facilities.
 - iii. The customer shall notify the City for inspection prior to the initial energizing and start-up testing of the customer-owned generator, and the City shall have the right to conduct and/or witness tests.
- D. Purchase agreement required: No energy shall be purchased from customer without the completion of an energy purchase agreement between the City and the customer. The customer shall enter into an agreement with the City which shall define the obligation of the City and customer regarding liability, term, point of delivery, and character of service.
 - E. Connection and meter: In order for the City to purchase surplus energy from a customer, the customer shall pay for the cost of a connection and metering to the City's electric system. The connection and meter shall meet the conditions set by the most current International Building Code, National Electrical Code and the Pawnee Public Works Authority for safety, reliability, and accuracy. All power delivered to the customer who has such an agreement will be delivered through existing service lines and metering apparatus at rates applicable to the customer class. The City may require the customer to limit the production of electrical energy from the parallel generator to an amount no greater than the load at the customer's facility of which the generating facility is a part at certain times and as operating conditions may warrant. In no event will energy delivered to the City be used to offset purchases in a different period or a different season.
 - F. Purchase of customer-generated renewable energy: The City will read the meter of the customer each month for power fed into the City electric system. A credit will be recorded for the amount of energy delivered to the City. Credit shall be made on a monthly basis. The rate paid for the service will be based on the average cost of off-peak energy purchased by the City in the most recent calendar year. Average cost will be the cost of energy divided by the kilowatt hours of energy delivered as determined by power bills delivered to the City by its power supplier.
 - G. Removal from system: The City reserves the right to remove any customer-owned generation source from the system without advance notice in the interest of safety, for the purpose of repair or testing, or as otherwise required to prevent damage and protect the integrity of the City's electrical distribution infrastructure. The City may require the customer to furnish information that the customer is a qualified facility as defined by federal regulations.

- H. Additional meter charge: The customer shall pay non-refundable processing fee at time of application. If a special transformer installation is necessary for the benefit of the customer or to protect the quality of service to other customers, such minimum shall not be less than \$1.00 per kva of required transformer capacity.
- I. Implementation: The Mayor is authorized to adopt policies consistent with the terms of this Ordinance in order to implement the purposes stated herein.

Section 7.110. Application for Water Service.

When any person desires to connect with the city water system, he shall apply to the Office of the City Clerk for a written permit which shall bear the name of the applicant, location of the property to be served, including the street name, lot and block number, and the class or kind of service for which it is to be used, together with the name of the plumber or contractor who has been employed to do the work. All tapping and connections to the City system shall be inspected and approved by an official designated by the Mayor and City Council.

Section 7.111. Service Line.

If there be no water main abutting the property of any person desiring water service connection, such person shall make a request to the City Clerk for the construction of such lateral mains and service taps as are necessary to get service to his property. The Water Superintendent will then draw up a plan covering proposed extension showing the amount of new business to be gained by such, together with cost of same, which will be presented to the Mayor and Councilmen for approval. Upon approval, should it be found that the City does not have funds available for the work, then the party or parties to be served may proceed with the work, providing they are willing to pay all cost of the construction of the same and agree that it shall be installed according to the place and specifications of the Water and Sewer Superintendent. In such case, after the work has been completed in a satisfactory manner, the City will issue to the party building the same, a water credit memorandum equal to the sum expended by said party in the construction of said service line. The total amount expended shall be evenly prorated among the parties to be serviced and the water credits shall be issued accordingly. Said water credit memorandum shall apply only on monthly water rents only for premises for which originally issued according to existing schedule of rates or any rates adopted thereafter.

Section 7.112. Deposits.

This section was repealed and replaced by Sec. 7.125.M. and N. by Ordinance No. 1064 which was passed and approved on December 3, 2007.

Section 7.113. Payment of Bills; Discontinue Service; Re-Connection Charge; and Penalty.

This section was repealed and replaced with Sec. 7.125 by Ordinance No. 1016 which was passed and approved on November 3, 1997.

Section 7.114. Tampering with Meters.

It shall be unlawful and an offense for any person, other than a duly authorized officer or employee of the Water and

Sewer Department, to alter, change, or in any manner interfere with the water meter in use by any consumer, or with any other equipment used by the City in the operation of its water system.

Section 7.115. Theft of Water.

Any person, who shall by fraud or stealth in any way obtain water from the water system of the City, or who shall turn on water from the water system of the City, or who shall turn on water service without having first made application to the office in regular form, and by said officer having been duly authorized to turn on said water service, shall be guilty of an offense and upon conviction shall be punished accordingly. Such penalty when paid, shall not operate as a discharge of the debt due for any water taken by theft, but the amount of water that has been obtained by theft or without having first been metered as authorized shall be estimated by the amount used by such person during the last month previous in which the meter operated for an entire month and the charge shall be made for such amount according to the established rates. No connection shall be made or permitted to continue until such bill for water has been paid, together with all arrearages.

Section 7.116. Entering Premises.

The duly authorized officers and employees of the City Water Department shall have the right to enter upon any premises where water is obtained from the City for the purpose of reading or inspecting meters or repairing or removing meters or other equipment used in connecting such premises with the water system of the City, at all reasonable hours.

Section 7.117. Discontinuation of Service.

No person shall be entitled to notice from the City of the discontinuance of the water service either at his residence or place of business.

Section 7.118. Responsibility.

In case the supply of water shall fail, whether from natural causes or accidents of any kind, the City shall not be liable for any damage of any kind by reason of such failure. The City is merely a supplier of water delivered at the curb valve of the consumers installation, and is not responsible for any damage to apparatus, equipment or other property of the consumer, either from wear or tear, or inherent defects in installation.

Section 7.119. Main Valves.

All main valves throughout the entire water system are for the exclusive use of the City in making repairs, extensions, and other improvements and no person shall, under any circumstances, use or tamper with them, without the written consent of the Superintendent. All fire hydrants and public hydrants of all kinds are directly under the control of the City and any person who shall tamper with or secure water from any of these places in any other way than that for which they are intended shall be guilty of an offense and upon conviction thereof shall be punished as provided by these Revised Ordinances.

Section 7.120. Offenses.

It shall be unlawful for any person to loiter around, climb upon or tamper in any way with the tower and pressure

tank, or pumping station, or filter plant. No party or parties shall bathe or wade in the said reservoir or drainage canals.

Section 7.121. Meter Tapping Costs.

All tapping costs shall be paid by the customer. The cost or fee shall be:

Size of line being tapped	Cost
3/4"-1" Tap	\$140.00
1 1/2" – 2" Tap	\$410.00
2" or greater	Negotiated on current prices (\$585.00)
Meter	\$120.00
Meter Box	\$85.00

Said tapping fee shall be deposited with the City Clerk before connections are made. The City will keep in good repair, at its own expense, all water meters of its own installation, excepting where meters have been damaged by carelessness, negligence or wrongdoing of the user, when same shall be repaired and charged against said user.

Section 7.122. Water Rates.

The following shall constitute classification of and establishment of water rates to consumers of water from the water system of the City of Pawnee, payable monthly, to-wit:

- A. City Water Rate applies to consumers of water living or residing within the corporate limits of the City of Pawnee:
 - 1. 0 – 1000 Gallons \$26.00
 - 2. Next 3000 Gallons \$3.80 per thousand gallons
 - 3. Next 6000 Gallons \$4.60 per thousand gallons
 - 4. Excess over 10,000 Gallons \$6.00 per thousand gallons
- B. Rural water rate applies to consumers of water living or residing without the corporate limits of the City of Pawnee:
- C. The rates shall be the same as in Sec. 1.a. above.
- D. Utility System Improvement Charge is hereby established of \$14.34 for each water tap connected to the public water or sewer system of the City of Pawnee; charged monthly and said funds shall be deposited in bank account designated "Construction Reserve Savings Account."

Section 7.123. Penalty.

Any person who violates a provision of this Chapter shall be guilty of an offense, provided that each day in which such violation takes place shall constitute and be a separate offense. Any person who commits an offense as herein defined shall upon conviction be punished by a fine of not exceeding Five Hundred Dollars (\$500.00).

Section 7.124. Water and Sewer Superintendent.

There shall be a Water and Sewer Superintendent, said Water and Sewer Superintendent to be appointed by the mayor, by and with approval and consent of the Council of the City of Pawnee, Oklahoma.

Section 7.125. Terms and Conditions of Service for Utility Billing and Collection.

- A. Purpose of Terms and Conditions of Service. These terms and conditions of service shall govern billing and collection for the City's utility services. They supersede and cancel any previous conflicting terms and conditions of service or portions thereof that pertain to the billing and collection for utility services.
- B. Application of Terms and Conditions of Service. These terms and conditions of service and any modifications thereof and additions thereto lawfully made are applicable to all consumers receiving utility service from the City and to all standard service agreements and contracts now existing or which may be entered into by the city, and to all rate schedules which, from time to time, may be lawfully established.
- C. The City may decline to serve a consumer or prospective consumer until such consumer has complied with the rules and regulations of the Council and any applicable federal, state, and municipal or other local laws, rules and regulations.
- D. The City may refuse or discontinue service to any consumer for noncompliance with these terms and conditions of service where they specifically so provide.
- E. Modifications to Terms and Conditions of Service. The City retains the right to amend these terms and conditions of service or to make additional terms and conditions of service as it may deem necessary.
- F. Community and Quality of Service. The City will use reasonable diligence to supply continuous service at the point of delivery in all systems. It shall be the responsibility of the consumer to install and maintain protective devices which will protect the consumer's equipment, property, and process during abnormal service conditions or the failure of part or all of a service. In no event will the City be liable for any service interruption, irregularities, or any other causes or abnormalities not caused by the sole negligence of the City.
- G. In order to make repairs to or changes in the City's facilities for supplying service, the City reserves the right without incurring any liability therefor, to suspend service without notice to the consumer for such periods as may be reasonably necessary. When conditions permit, an attempt will be made to notify consumers affected by such an interruption. Insofar as is practicable, the interruption shall be made at a time which will cause the least reasonable inconvenience to consumers, and where feasible, consumers likely to be seriously affected (e.g. installations affected with interest of public health and safety) will be notified in advance.
- H. The City also reserves the right to discontinue service without advance notice, when a defective condition of equipment or wiring upon the premises of the consumer results, or is likely to result in danger to life

or property, or interference with proper service to others. Service(s) will not be resumed until the dangerous condition has been remedied to the satisfaction of the City.

- I. Liability of City for Water Leaks. The City of Pawnee will not be liable for any loss, damage, or injury whatsoever caused by leakage, escape, or loss of water after same has passed through the meter, nor for defects in the customer's pipings or fittings.
- J. All pipes and fixtures on the premises side of the meter shall be kept in good repair and free from leaks at the expense of the consumer, not of the City.
- K. Denial of Service to a Customer. The City of Pawnee reserves the right to refuse to provide service to a consumer, at any premises, until all delinquent bills for prior or current utility services incurred with the City are paid. The City shall not be required to provide service to a consumer who uses an alias, trade name, business name, or the name of a relative or another person as device to escape payment of an unpaid obligation for prior service.
- L. Application for electric, Water, Sewer and Sanitation Services. Each customer desiring electricity, water, sewer, and sanitation service from the City of Pawnee shall make written application to the City Clerk, located in city hall. The account will be placed in the name of the person who makes the application for service and that applicant shall be considered the party responsible for the account. This application shall contain the true name of the applicant, date of birth, service and mailing addresses (if different), telephone number, social security number, employer, next of kin not residing at the same address, and such other information as the City may deem necessary in order to insure the effective billing and collection of each account applied for. Identification proving that the applicant is at least 18 years of age must be presented when the application is filed. Refusal to provide any requested information or providing false information may result in denial or termination of service.
- M. Special Contract. The City may require and contract over an extended period of time when a consumer's requirements for power or energy are unusually large or necessitate considerable special or reserve equipment, and in such cases, may require payment by the consumer of such charges and amounts in addition to the prevailing rate schedule as may be necessary to justify the investment of the City of Pawnee.
- N. Separate Application for Every Location. A single application for service cannot be made to apply to different locations or to cover more than one point of delivery at the same location to be used by the same consumer, unless the city determines that the physical characteristics of the facility served requires more than one point of delivery according to good engineering and operating practices. Such determination shall be made by the appropriate utility director.
- O. Transfer of Service. An application and contract for service is not transferable from one consumer to any other consumer. Service can be connected for the

same consumer moving from one address to another by the completion of a new application. Such application must be completed in the office of the City clerk. Service will not be connected if, on the date for which the connection is requested, there exists or will exist any past due balance on the account. When all other conditions are satisfied, deposits can be transferred from the old residence to the new residence. However, if the recent billing history is such that extension agreements or disconnect notices have been necessary an additional deposit may be required.

- P. Responsibility for Changes in Service. It is the responsibility of the customer to notify the City of Pawnee of any changes in occupancy that will substantively affect the billing and/or service of the customer changes may be requested in person, in writing, or by telephone. Any request for service requiring installation must be accompanied by a signed application.
- Q. The City will not be held responsible for any error or omission in account changes if said changes are not made in person.
- R. Utility Service Deposits. Every potential customer making application for utility service with the City of Pawnee shall make a deposit with the exception of homeowners and business owners. There shall be a deposit made for every application for service and for each separate premise.
- S. Utility deposits shall be held by the City Clerk. In the event any customer should desire to discontinue service or becomes no longer active, the City Clerk is hereby authorized to credit the customer's account in the amount of the deposit made. However, if the meter or meters located on the premises are damaged in any way except by ordinary wear, as ascertained by the appropriate utility director, the whole of the deposit, or as much thereof as is necessary to pay the amount due the City of Pawnee, shall be deducted from the deposit.
- T. Residential Deposits. For purposes of guaranteeing payment of the monthly utility bill, a residential deposit in accordance with the following schedule shall be made at the time application is made with the City Clerk.
 - 1. Rate Schedule for Residential Deposits
 - 2. Residence with billing history based on an applicant's credit report:
 - i. Electric
 - a) Good Credit \$100.00
 - b) Maximum Credit Risk or No Credit History \$300.00
 - ii. Water
 - a) Good Credit \$25.00
 - b) Maximum Credit Risk or no Credit History \$50.00

- U. Commercial Deposits. For purposes of guaranteeing payment of the monthly utility bill, a commercial deposit in accordance with the following schedule shall be made at the time application is made with the City Clerk.
- V. Electrical service for a business is based on an applicant's credit report, previous business history or personal credit report.
 - 1. Good Credit \$0.00
 - 2. Minimum Credit Risk or No Credit History \$0.00
- W. The definition of "good credit", "maximum credit risk", or "no credit report" are determined according to rating obtained from credit reports, as follows:
 - 1. Good Credit: Applicant does not own the real estate and cannot provide a good utility credit reference or does not have a co-signer who owns real estate within the city limits.
 - 2. Maximum Risk: Applicant has judgments, bankruptcy, charge-offs, or failure to provide credit history.
- X. The applicant may choose not to have a credit report obtained, but the maximum deposit allowed under this rate schedule shall be required.
- Y. Unclaimed Utility Deposits. If, after termination of all services on an account, deposit amounts remain as a credit balance after all debts, credits and interest have been applied or if any other credit balance remains, after one year the City Clerk shall send written notice to the customer at the last known address for the customer, stating that the deposit or credit balance shall become the property of the City of Pawnee and be deposited by the City Clerk into the general fund, unless it is claimed by the customer within ninety days of the date that the notice is mailed by the City of Pawnee.
- Z. Termination of Service. When a customer elects to terminate service the customer shall promptly notify the City of Pawnee, in person, by telephone or in writing, as to the proposed effective date and hour of such termination in order for the customer to avoid liability for payments for subsequent services at that service address. The City may disconnect service at any time after 8:00 a.m. on the day for which discontinuation is requested. If service has been disconnected in accordance with the customer's previously stated request, by the customer subsequently requests the service to be temporarily reconnected for any reason, an additional \$20.00 service call charge must be paid in cash and new disconnect date must be rescheduled prior to the reconnection of service.
- AA. The City of Pawnee will read the appropriate meter(s) on the date for which termination of service is requested, and may, at its option, disconnect the service. A final bill will be prepared as a result of the final reading. The deposit will be applied to the final bill.
- BB. The City will not be held responsible for any error or omission in termination of service if such request is not made in person.
- CC. Occupancy Without Application or Deposit. If the City leaves the service connected to vacant premises, it does not constitute consent by the City of Pawnee for any new occupant of such premises to use the service without making proper application for said service. Occupants using service without deposit and/or application shall be liable to the City of Pawnee for the deposit amount, as well as payment for all serviced received, which will be billed at the prevailing rates for all services available to the premises. The owner of any residential or commercial rental property shall be responsible for placing all utilities connected to the rented properties in the name of the renter or tenant. In those cases where the tenant does not place his or her name on the utility billing and/or make proper application and deposit: in those cases the owner shall be responsible for the payment of any utility charges upon said property.
- DD. Failure to make application and/or deposit will result in immediate termination of service.
- EE. Delivery of Utility Bills. The City of Pawnee may mail a bill for service to the customer at the address at which service is taken or such other address as designated by the customer; however, the City reserves the right to adopt other methods for delivery of bills.
- FF. Deliver is deemed to have taken place when, according to the city's records, a bill or any notice containing billing or past due information has been properly delivered to the U.S. Postal system.
- GG. Failure to receive a bill in no way exempts a customer from liability for payment of services.
- HH. Discontinuance of Utility Service. Charges for utility service shall be due and payable monthly according to dates to be determined by the City of Pawnee. That date being the (15th) of each month. Each monthly bill shall have printed thereon the due date. In addition to the assessment of any late payment charge, if a monthly bill is not paid by the due date indicated thereon, the account shall be subject to disconnection for nonpayment. Utility service shall be discontinued for any customer who owes any past due amount for utility services or any part of charges for utility services, including late payment charges.
- II. The City of Pawnee may discontinue utility service to a customer for the reasons set forth below. Disconnection may take place at any time during normal working hours on the day designated for disconnect. Notification of impending discontinuation of service shall be given at the premises, either by letter, "doorknocker" or such other notification as the City of Pawnee deems necessary and appropriate. Failure to accept or acknowledge notification shall not be cause for delay of the disconnection.
 - 1. Nonpayment of a bill, or any portion of a bill including any bill for service rendered by the City to the customer at any premise for any utility service.

2. Refusal by the consumer to provide the City of Pawnee reasonable access to its equipment upon customer's premises in accordance with these terms and conditions.
 3. Violation of any rule or regulation of City of Pawnee or noncompliance with any applicable federal, state, municipal, or other local laws, rules, or regulations.
 4. Violation of or noncompliance with an approved rule of service of the City of Pawnee, including these terms and conditions.
 5. Failure of the customer to make application and place a deposit for service.
 6. Failure of the customer to make application for utility service in the true name of the consumer for the purpose of avoiding payment of an unpaid obligation for utility service provided.
 7. Returned Checks.
 8. Failure of the consumer, upon request, to provide the City with a deposit, provided in no event shall service be discontinued for failure to post a deposit earlier than (20) days after demand has been made for such deposit.
 9. The City may discontinue utility service without advance notice to a consumer for any of the reasons set forth below, but notice will be posted at the premises at the time of discontinuance of service; indication the reason for the disconnection.
 10. Existence of a dangerous or defective condition of wiring or equipment on customer's premises.
 11. Fraudulent use of electricity or water.
 12. Tampering with the City's regulating and measuring equipment or other property.
 13. Expiration of the temporary utility service agreement.
 14. Failure to comply with the terms of an extension agreement.
- JJ. Notification of Discontinuance of Service. In the case of discontinuation of service, the following procedures shall apply, except as otherwise provided for in Section 7.125.S. of these terms and conditions:
1. A written notice stating the reason(s) for such discontinuance shall be sent by mail to the address of the consumer as shown on the City's records. Said notice shall be delivered at least five (5) business days prior to the date shown on the notice as the date on or after which service shall be discontinued. Said notice shall also contain a statement to the effect that in the event that a customer disagrees with the reasons for the discontinuance, said customer has the right to meet with the City Clerk. In the case of error on the part of the City, the City Clerk shall have the power to revoke the notice of discontinuance; and
2. Prior to the day that service is to be discontinued a "door knocker", indicating the day on which service will be terminated, will be hung on or about the entrance of the service address for which service is about to be discontinued. This will be done as a courtesy to the customer and any omission or error in delivery or subsequent removal, by an unauthorized party or any other removal shall in no way be construed to mean that discontinuance of service shall be delayed.
- KK. Dishonored Checks. In the event any customer should offer payment for any monthly bill, or portion thereof, by means of a check which is not honored on account of insufficient funds of the maker to pay same, or because the check is drawn on a closed account or on a non-existent account, or otherwise dishonored, a check service charge in the amount of fifteen (\$15.00) dollars shall be charged and collected as a service charge for proper handling and administration.
- LL. Failure to replace the dishonored check with cash or certified/cashier's check before 3:00 p.m. on the next working day after notification that the check has been returned will result in immediate disconnection of utility service.
- MM. In the event that two (2) such dishonored checks are made to the City of Pawnee for utility service within any last preceding twelve (12) month period, payment of each monthly bill by such customer for the next twelve (12) month period of ensuing service shall be made and accepted only when tendered by certified or cashier's check or cash.
- NN. Extension of Time to Pay. Two (2) 30-day extensions within a twelve month period may be granted upon request of the customer, provided that a utility payment extension agreement is completed and approved by the City Clerk prior to notification at the residence that service will be cut-off. These extensions may be granted in succession only if so approved by the City Clerk.
- OO. Four (4) notifications of past due balances/disconnect notices in a twelve month period will exempt persons from the granting of extensions for one year from the date of the fourth notice.
- PP. Failure to comply with any extension agreement will result in disconnection of service without further notice and no additional extension will be granted for one year from the date of the broken agreement.
- QQ. RESERVED.
- RR. Summary of Policies.
1. Business cut-off:
 - i. Weather does not affect cut-off;
 - ii. Payments of all past due amounts made before 1:00 p.m. of the day indicated for cut-off will stop cut-off; and
 - iii. Bad checks are to be picked up with cash by 3:00 p.m. the first day after contact is made.

2. Residential cut-offs:
 - i. No cut-offs when temperature forecast by our local weather channel for the Stillwater area is thirty-two (32) degrees Fahrenheit or below, or if one-hundred degrees (100) Fahrenheit or above:
 - ii. Payment of all past due amounts made before 1:00 p.m. of the day indicated for cut-off will stop cut-off.
 - iii. Bad checks are to be picked up with cash by 3:00 p.m. the first business day after contact is made.
 - iv. No cut-offs on Friday; and
 - v. No cut-offs during Christmas holidays (Dec 23 through Jan 1).
3. Once service has been disconnected, payment of the entire balance on the account is required together with the appropriate service call charge, before service will be resumed.
4. When service is reconnected, a seventy-five dollar (\$75.00) charge will be made for reconnections.
5. Any extensions of time for payment must be approved by the City Clerk or Mayor.
6. If cut-off is delayed because of inclement weather, service may be cut off the next working day without further notice. If there are further delays due to weather a new cut-off day shall be established and a second "door-knocker" shall be hung indicating the new cut-off day.
7. As of the effective date of this Ordinance all existing utility arrears shall be paid in ten equal payments in addition to the monthly utility billing unless specifically approved by a utility committee.

Section 7.126. Administrative Adjustment to Utility Bill.

- A. Where it is clear and evident that water usage as reflected by a monthly meter reading is indicative of water used due to a leak, the Mayor or the Mayor's designated representative may authorize a billing adjustment.
- B. Such adjustments shall only be for broken water lines and meter leaks on the customer's side of the meter.
- C. There shall be no more than one such adjustment per account, per calendar year.
- D. Prior to any adjustment, the leak must be repaired and the repairs must be permanent.
- E. Customer shall not be reimbursed for any parts or repair costs that were incurred because of the leak.
- F. Should an adjustment be more than \$750.00, it must be presented to the City Council.

Section 7.130. Definition of Garbage and Rubbish.

- A. The word "garbage" whenever it occurs shall be construed to mean every accumulation of animal or vegetable matter, or both; that is, the refuse matter from kitchens, pantries, dining rooms, or other parts of hotels, restaurants, boarding houses, tenement houses, dwelling houses, market houses, public institutions, private hospitals and all animal refuse from slaughter houses, fish stores and other businesses or occupations.
- B. The words "refuse and rubbish" whenever they may occur in these Revised Ordinances shall be construed to mean ashes, paper, broken ware, discarded shoes and clothing, tin cans or vessels, iron or other metallic vessels or their parts or iron and such refuse as may be termed the natural accumulation of resident families. Rubbish shall include all metallic scraps and wooden materials of a refuse nature susceptible of being put in a can or dumpster, also all yard cleaning and accumulations which are the natural accumulations of trash and waste about the premises, not including garbage.

Section 7.131. Dumpster or Can.

It shall be the duty of the occupant of each and every premises to place a can or dumpster on the property adjacent to the alley or otherwise more convenient place for the rubbish collector, in which shall be placed all rubbish as herein defined.

Section 7.132. Garbage Cans Required.

The owner or occupant as the case may be, on any and all premises in the City shall procure, supply and place a water tight can of sufficient size to hold not more than thirty (30) gallons, with close fitting covers and with handles on the sides. Said cans shall be placed on the property adjacent to the alley, or in case it is more convenient to the garbage collector, then said can may be placed on some place on the lot or premises outside the building for access to the same. Said owner or occupant shall deposit all garbage in said cans so that the same may be removed at stipulated times from said premises. It shall be the duty of the owner of said cans to keep them clean at any and all times and to maintain them in a sanitary condition.

Section 7.133. Garbage - Authority to Remove Required.

It shall be unlawful for any person, firm or corporation, unless authorized by the Mayor, to remove from any premises situated in said City or to transport through the streets, alleys or public places any garbage, refuse or rubbish and every such act shall constitute an offense.

Section 7.134. Garbage - Enclosed Receptacles.

It shall be unlawful and an offense for any person, firm or corporation to deposit for collection on any street, alley or parking of the City of Pawnee or on any private property any garbage, rubbish or refuse except in the container or receptacle as herein provided.

Section 7.135. Collection of Garbage and Rubbish.

The City shall enter into any necessary contracts to provide for the collection of garbage and rubbish and requiring

collection of such at regular intervals and shall charge the fee specified in the next section for providing such service.

Section 7.136. Collection Fees.

The City of Pawnee is hereby authorized to collect from owner and occupant of each and every premise in said City having either a City Electric Meter or a City Water Meter, from which premises garbage, rubbish or refuse or either of them is collected or either of them is collected or capable of being collected therefrom, the following uniform charges per month:

- A. Residential: From every residence having a City Electric Meter or a City Water Meter, a charge in C. below per month.
- B. Commercial: For each business house, hotel, office, café, cafeteria, garage, filling station, having a City Electric Meter or a City Water Meter the rates specified in C. below.

C. Rate Schedule

- 1. Residential Rate: \$12.93 per Residence

Once weekly pick-up with polycart (all trash must be bagged, contractor will provide one (1) polycart per residence – addition carts will be \$3.87 each per month.)

- 2. Commercial Rate: At option of the customer:

	1x/ week	2x/ week	3x/ week	4x/ week	5x/ week
2 CY Container	\$36.96	\$73.91	\$110.85	\$147.81	\$184.76
4 CY Container	\$58.23	\$116.46	\$174.69	\$232.90	\$329.91
6 CY Container	\$87.36	\$174.69	\$262.00	\$349.34	\$436.67
8 CY Container	\$105.26	\$210.52	\$315.75	\$421.01	\$526.27
Comm. 95gl cart	\$13.26	\$16.49	N/A	N/A	N/A
Commercial Recycle	1x/ week				
2 CY Container	\$25.41				
4 CY Container	\$43.14				
6 CY Container	\$67.40				
8 CY Container	\$82.32				
Comm. 95 gl cart	\$8.62				

- 3. All rural customers utility City dumpsters located at the lot beside the Pawnee Armory pay a monthly charge of \$13.45.
- 4. Fuel surcharge: A 1% increase for every \$1.00 per gallon of fuel over \$4.00 per gallon.

Example: \$4.50/gallon = .5% surcharge
\$5.00/gallon = 1% surcharge

Section 7.137. Penalty.

Any person or concern failing or refusing for any reason to pay the aforesaid garbage rubbish collection fees as required by the previous section and as may be determined to be fair and uniform by the Mayor and City Council shall have all City Meters they use immediately disconnected until such a time as the said charges are paid.

Section 7.140. Sewer Connection Permits and Tapping Fee.

Any person desiring to make connection to the City sewer shall either by themselves or through the contracting plumber employed to install such connection, make application to the City clerk for permission to make such connection with the sewer and all such connections shall be made subject to the Supervision and approval of the Water Superintendent of the City of Pawnee, or such other person as may be authorized and directed by the Mayor and City Council to supervise same. All lines must be made of schedule 40 or better to the owner's property line with approved saddles and river sand six inches above and below the lines.

- A. Sewer Tap Fee: All tapping fees shall be paid by the customer under the following schedule:
 - 1. Saddle \$50.00
 - 2. Sewer Tap \$35.00 (use own plumber)
- B. Street Crossing: Contact Street Commissioner for pricing

Section 7.141. Connection Required – When.

When it is brought to the attention of the Mayor and Councilmen that any property such as is herein before described is within one hundred-fifty (150) feet of a sewer line with which it is feasible to make connections from said property, the Council shall by motion or resolution direct the City clerk to notify the owner of said property in writing, or his agent or tenant, if the owner cannot be found, describing the lot or lots by number and block, and advising such owner that he must within thirty (30) days from the service of such notice make connections with the sewer.

Section 7.142. Sewer Service Charge.

- A. 0 usage \$14.40
- B. Next 5000 Gallons \$0.67 per thousand gallons
- C. Excess over 5000 Gallons \$0.80 per thousand gallons

Section 7.142a. Sewer Surcharge.

There is hereby established a sewer surcharge of \$6.00 for each water meter connected to the sanitary sewer system of the City of Pawnee charged monthly and said funds shall be deposited in a bank account designated "Construction Reserve Savings Account."

- A. 0 Usage \$9.57
- B. Next 5000 gallons .62/per 1000 gallons
- C. Excess over
- D. 5000 gallons .74/per 1000 gallons

Section 7.143. Penalty.

It shall be unlawful and an offense for any person to commit any act which is prohibited or to fail or refuse to perform any act which is commanded by any provision of this chapter. Each day in which such violation takes place shall be a separate offense. Every person convicted of an offense as defined in this Section shall be punished by a fine not to exceed Twenty dollars (\$20.00) including costs.

Section 7.144. Review of revenue and Expenses.

Revenue and expenses will be reviewed periodically to determine adequacy of rate structure. Sewer system rates will be adjusted accordingly so that revenues will be sufficient to cover operating and maintenance, replacement and debt service costs.

Section 7.145. Records.

Sufficient records will be maintained by administrative personnel and others to insure compliance with this Ordinance. Such records will include identification of operating and maintenance costs, replacement cost, debt service costs, system revenues, water meters in use and water usage through individual meters.

Section 7.146. Classification of Users.

There is presently one class of users. Should a user or class of users discharge toxic pollutants into the system class of user charges will be established. Charges will be structured so that this class will pay the additional cost caused by the discharge of toxic pollutants.

Section 7.147. Unlawful Disposal.

- A. It shall be unlawful for any person to dump, deposit, throw, or in any manner leave or abandon any solid waste, including but not limited to, garbage, tin cans, bottles, rubbish, refuse, or trash on property owned by another person without the written permission of the owner or occupant of such property or on any public highway, street or road, upon public parks or recreation areas or upon any other public property except that designated for such use.
- B. It shall be unlawful for any person to dump, deposit, throw, or in any manner leave or abandon any solid waste, including but not limited to, garbage, tin cans, bottles, rubbish, refuse or trash in the City dumpsters without having paid the fee therefore as provided in Chapter 7.136.
- C. Solid waste disposed of unlawfully as provided in subsection A of this section which contains three (3) or more items bearing a common address in a form

which tends to identify the latest owner of the items shall be a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal, provided that one (1) of the items of solid waste bears a date subsequent to the effective date of this section.

- D. Any person who violates any provision of this chapter shall be guilty of a misdemeanor. Each day, such violation is committed or permitted to continue, shall constitute a separate offense. Every such violation shall be punishable by a fine of up to \$500.00.

Section 7.148. Prohibiting Tampering, Removal, Disconnecting or Reconnecting City Electric Meters and Applicable Usage Fees.

Landlords, contractors, or other parties requesting shall not disconnect or reconnect such City electric meter themselves and if such occurs, appropriate usage fees shall be billed to the residence owner; after any one such reconnect event by said party or parties, the next request for such service shall result in meter removal.

- A. In the event an electric meter is disconnected by anyone other than official Electric Department personnel, a fee of \$200.00 shall be imposed prior to reinstallation of said service at that location.
- B. Further, if evidence of electric meter tampering occurs at a particular address shown City utility records, the City Electric Department shall disconnect and remove the meter and any request for electric service by such person at a new address shall require a fee of \$200.00 to the City Clerk to such person at the new address; this shall apply to any commonly owned residences regardless of location.
- C. A fee of \$75.00 shall be charged to re-connect electric service for any non-emergency connections not associated with new electric service application.
- D. Any emergency disconnect services required shall not require reconnect fees.
- E. Provided, this Ordinance and the repealing clause shall not affect other changes or fees provided elsewhere in these Ordinances, except as specifically covered herein.

Section 7.149. Property Owners Utilizing the City Sanitary Sewer System Shall Be Responsible for Maintenance; Certain Connections Prohibited; Disconnect Orders; Termination of Service; Reconnection of Service; Abatement of Nuisance; Access and Entry.

- A. Sanitary Sewer – Responsibility of Property Owners. To minimize groundwater infiltration and inflow to the public sewer system that may overload and inhibit wastewater treatment, the City hereby requires that all property utilizing the sewage system of the City of Pawnee be responsible for the maintenance of all connections, lines and fixtures in a manner sufficiently watertight so as not to allow and cause such to be, leakage out of or seepage into said connection, lines and fixtures from the place of discharge to the place or connection to the public sewage system main. At the discretion of the City of Pawnee, such connections, lines, and fixtures shall be subject to

- inspection and testing by the City of Pawnee or its designated agent.
- B. Sanitary Sewer – Prohibited Connections. No person shall henceforth make connection of roof downspout or leaders, interior or exterior foundation drains, cleanouts, sump pumps, cellar, yard, and area drains, cooling water discharges, drains from springs or swampy areas, or other sources of surface, storm or ground water to a structure sewer or structure drain which is connected, either directly or indirectly, to the sanitary sewer system.
- C. Sanitary Sewer – Disconnect Order. The Director of the Department of Public Works or his designated agent may issue a disconnect order directing the owner of the real estate or structure to disconnect private infiltration or inflow waters from the sanitary sewer system. The order shall be effective not less than 30 days from its date of issuance. The order may state a deadline for compliance, but in no event shall such deadline be more than three (3) months after issuance of the order.
- D. Sanitary Sewer – Termination of Service. The City of Pawnee and Pawnee Public Works Authority may order the termination of sanitary sewer service and/or water service to any real estate or structure if the owner has refused to allow access and entry or has failed or refused to comply with the disconnect order requiring that the private infiltration or inflow waters be prevented from entering the sanitary sewer system. The termination shall be effective 30 days after the service upon the owner. Service of the order shall be in person or by restricted delivery mail.
- E. Sanitary Sewer – Reconnection of Service. Sanitary sewer service disconnected under the provisions of this Ordinance shall not be reconnected until sources of infiltration or inflow have been disconnected. The cost of disconnection and reconnection shall be the burden and responsibility of the owner or lessee.
- F. Sanitary Sewer – Abatement of Nuisance. In addition to or in lieu of termination of service and/or prosecution in Municipal Court, the Department of Public Works may maintain a civil action by injunction, in the name of the City of Pawnee, Oklahoma, to abate and temporarily or permanently enjoin the continuation of the private infiltration/inflow and/or as a nuisance, in any court of competent jurisdiction.
- G. Sanitary Sewer – Access and Entry.
1. Access: Representatives of the Department of Public Works shall have the right to inspect any parcel of real estate and/or structure to determine compliance with this Ordinance. Inspections shall be done at a reasonable hour of the day.
 2. Notice: If the structure or real estate to be inspected is occupied, the representative shall first present proper credentials and request entry. If the structure or real estate is unoccupied, he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the structure or real estate and request entry.
3. Search Warrants: If, after proper request, entry or access is refused, the Department of Public Works may compel such access by access by application to a court of competent jurisdiction for a search warrant in compliance with the provision of Section 15 of the Oklahoma Bill of Rights and the Fourth and Fourteenth Amendments of the United States Constitution relating to unreasonable searches and seizures.
- H. Sanitary Sewer – Optional Penalty. Any person, firm, or corporation violating any provision of this Ordinance may be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense and a separate offense may be deemed committed on each day during or on which a violation occurs or continues.
- I. Sanitary Sewer – Optional Abatement Procedure. If property owner is unable or refuses to comply with Section 3 (repair or disconnection of infiltration and inflow source), the City may at its discretion, contract with a plumbing contractor of the City's choice to make the required repair/replacement/disconnection to remove the infiltration and inflow source. The cost of the abatement may include but not be limited to repair of the defect; repair of streets, alleys, curbs, and parking. The cost of such action will be filed as a lien on the property. A charge of not less than \$25.00 per month will be added to the utility bill of the property owner or utility user of that address until paid in full. Lien release will be issued on receipt of total cost.

CHAPTER 8 – HEALTH AND SAFETY

Section 8.101. Board of Health – Creation.

The Mayor and Council shall, ex-officio, constitute, compose and be known as the City Board of Health.

Section 8.102. Duty.

It shall be the duty of the Board of Health to examine into and consider all measures necessary to the preservation of the public health of the City of Pawnee, and to see that all Ordinances and regulations in relation thereto are observed, including rules and regulations of the State Department of Health.

Section 8.103. Power.

It shall have power to prescribe reasonable rules and regulations and to examine into and consider all measures necessary to the preservation of public health of the City of Pawnee, and to see that all Ordinances and Regulations in relation thereto are observed and enforced.

Section 8.104. Clerk.

The City Clerk shall be secretary of the Board of Health and keep a full record of all the acts, orders, Resolutions, rules, regulations and proceedings of said Board of Health in a book to be provided for that purpose, which book shall at all times be available to the inspection of the public. All persons shall be charged with the provisions thereof.

Section 8.105. Inspections.

It shall be the duty of the Board of Health to make or cause to be made, an inspection of the City of Pawnee as often as they may deem necessary for the purpose of examining the sanitary conditions of the City. The Board of Health and all its members severally, or any person acting under its direction shall have the authority to enter into and examine at any time, all buildings, places and premises for the purpose of ascertaining the conditions thereof, so far as the public health may be affected thereby and is necessary in the performance of any duty devolving upon the said board or any of its members.

Section 8.107. Board of Health.

It shall be lawful and the duty of the Board of Health in all cases where they may deem it necessary for the speedy execution of their orders to cause nuisances to be abated and removed at the expense of the City of Pawnee and the secretary of the Board of Health shall keep a record of the description of the property, together with the cost of abating and removing such nuisances therefrom and such amounts shall be assessed as provided in the chapter on nuisances.

Section 8.108. Nuisances.

It shall be the duty of the Board of Health on complaint being made and whenever it shall deem any business, trade or profession carried on by the person detrimental to the public health, to proceed in the prevention or abatement of same. Each day's continuance of such business, trade or profession by such person after the expiration of the time provided in an order of the Board of Health or its officer for the abatement or prevention thereof, shall be deemed a separate and distinct offense and

punished accordingly. The procedure to abate shall be that as prescribed in the chapter on nuisances.

Section 8.121. Contagious Disease.

It shall be an offense for any person having or having had any contagious or infectious disease to go about in any public place.

Section 8.122. Offense.

It shall be an offense for any person to tear down, destroy, mutilate or deface any sign or notice placed by order of the City Board of Health or other health officer.

Section 8.132. Veterinarian – State Health Department.

Whenever necessary the Board of Health may employ a veterinarian to assist in performing any duties herein specified or may request the assistance of the State Health Department of the State of Oklahoma to perform any said duties.

Section 8.133. Places Kept – Cleanliness.

All places where food of any kind or any beverage or candy is manufactured, prepared, stored or offered for sale shall be kept in a clean and sanitary condition and the persons in charge thereof and all employees shall have such health certificates as may be required by the State Department of Health.

Section 8.134. Toilets.

All toilet rooms in such places shall conform with the rules and regulations of the State Health Department.

Section 8.135. Exposure.

No article or thing intended for human consumption shall be exposed in violation of the rules and regulations of the State Health Department.

Section 8.136. Floors and Fixtures.

All floors, walls, showcases, ice-boxes, refrigerators, tables, meat blocks, and other fixture and appliances and cooking utensils kept or used in any place where any beverage or food of any kind or candy is manufactured, stored, prepared or sold, must be kept clean and in a sanitary condition.

Section 8.137. Dogs – Cats.

No dog or cat shall be kept or harbored in any place where food is manufactured, stored, prepared or is for sale.

Section 8.138. Flies.

All foods handled in bulk must be so covered as to exclude flies, dust and dirt.

Section 8.142. Unwholesome Foods.

No person shall bring into the City or within said City sell or offer for sale or have in his/her possession with intent to sell any blown, meager, diseased, unsound or unwholesome meat, fish, fruit, vegetable or market produce or food of any character.

Section 8.144. Sidewalk.

No person shall display upon any sidewalk or in any stand any candy or food of any kind, in violation of the rules and regulations of the State Health Department.

Section 8.148. Food – Defined.

The word "food" where used in this article shall mean and include all substances or things, either cooked or uncooked, whether solids or liquids, commonly used as food for human beings or used in the preparation of such food or for the seasoning or flavoring of the same, including both eat and drink.

Section 8.149. Offense.

It shall be an offense for any person to sell, store, manufacture, prepare, store, keep and handle any food not in accordance with the laws and Ordinances or rules promulgated by the State Health Department.

Section 8.150. Penalty.

Any person who shall violate any provisions of this article or who shall refuse to comply with any requirements thereof or with any order or regulation thereto shall be guilty of an offense and fined an amount not to exceed Forty Dollars (\$40.00), including costs. Each day and part thereof during which such violation or non-compliance takes place shall be and constitute a separate offense.

Section 8.151. Remediation of Contaminated Property After the Discovery of Methamphetamine or Other Noxious, Hazardous or Toxic Substances – Definitions.

- A. For purposes of this Chapter, the term "activity" or "activities" shall include the manufacture or otherwise processing of methamphetamine or other noxious, hazardous or toxic substances; or other acts involving such substances that present public health and safety risks to current or future occupants of the property, adjacent properties or the public at large.
- B. For purposes of this Chapter, the term "property" or "real property" shall include land, buildings, or other residential or commercial facilities designed for human occupancy that are owned by an individual, firm, corporation or entity, and that are contaminated by activities defined in this Chapter.
- C. Exempt from provisions of this Chapter are commercial or industrial firms properly regulated for the legal manufacture or otherwise processing of such substances in compliance with other provisions of this Code, as well as in compliance with federal, state and local laws, rules and regulations.

Section 8.152. Reports of Methamphetamine or Other Noxious, Hazardous and Toxic Substance Activity.

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

Section 8.153. Prohibition of Occupancy.

Until a contractor experienced in hazardous waste removal and remediation, as prescribed in this Chapter, assesses the contaminated property, cleans up any contamination and prepares a Final Report, as prescribed in this Chapter, which shows that the levels of contamination upon the property meet the acceptable levels listed in Section 8.156 of this Chapter, use of the property for human habitation is prohibited, including occupancy of a contaminated mobile home relocated to the Pawnee city limits, if not owner occupied.

Section 8.154. Public Notice of Contamination.

- A. Upon informing of or discovery by the Pawnee Police Department, or agents thereof or other law enforcement entities, that contamination has occurred upon a property involving methamphetamine or other noxious, hazardous or toxic substances; the City of Pawnee Code Enforcement Officer shall affix upon the property a "Notice to the Public" with the following information:
 - 1. The word "WARNING" in bold type.
 - 2. The address of the contaminated property or, if the property has multiple structures upon it, the address of each contaminated structure.
 - 3. A statement that: "Hazardous substances, toxic chemicals, or other waste products may be present on the property."
 - 4. A warning that: "Any person who enters the structure(s) without permission of the owner or the Pawnee Police Department, or authorized agents or designees thereof, will have committed a trespass."

- B. It shall be unlawful for any person, including the property owner, property manager or occupant, to remove such Notice to the Public while the property is deemed to be in a contaminated condition. Such "Notice to the Public" shall only be removed by the City's Code Enforcement Officer, or other authorized employees or agents of the City, upon completion of remediation in compliance with provisions of this Chapter.

Section 8.155. Assessment and Remediation.

- A. Upon discovery that an owner's property is or has been the location for any type of activities involving the manufacture or otherwise processing of methamphetamine or other noxious, hazardous or toxic substances, an owner, prior to resumed occupancy of the property and after the removal of such manufacturing or processing equipment or materials by the Pawnee Police Department, or agents thereof, shall retain the services of a contractor who is experienced in hazardous waste removal and remediation to assess the level of contamination within the property and provide a written report documenting the level of contamination. At a minimum, such contractor shall have completed forty (40) hours of Hazardous Waste Operation and Emergency Response training pursuant to 29 C.F.R. 1910.120, or subsequent regulations thereof, and shall have received certification pursuant to this training. The owner shall obtain a copy of the

contractor's 29 C.F.R. 1910.120 certification before allowing the contractor to begin the assessment.

- B. If, upon the completion of the assessment, the contractor determines:
1. The level of contamination does not exceed the acceptable contamination levels, as defined in Section 8.156 of this Chapter, the owner shall require the contractor to prepare a Final Report as prescribed in Section 8.158 of this Chapter. Once the Final Report is prepared and delivered to the owner, the owner shall deliver a certified copy of the Final Report to the City's Code Enforcement Officer. The Code Enforcement Officer shall, upon confirming from the Final Report that the contamination has been remediated, remove the Notice to the Public and provide written authorization to the owner that occupancy may resume.
 2. If the level of contamination exceeds the acceptable levels defined in Section 8.156 of this Chapter, the owner shall not allow use of the property for human habitation until a contractor (who has completed forty(40) hours of Hazardous Waste Operation and Emergency Response training pursuant to 29 C.F.R. 1910.120 and who has received certification pursuant to this training) has:
 - i. Cleaned up any contamination and remediated the property according to the standards of Section 8.156 of this Chapter; and
 - ii. Conducted another assessment which shows that contamination levels are acceptable pursuant to Section 8.156 of this Chapter.
 3. Once the level of contamination meets the acceptable standards defined in Section 8.156 of this Chapter, then the owner shall require the contractor to prepare a Final Report as prescribed in Section 8.158 of this Chapter. Once the Final Report is prepared and delivered to the owner, the owner shall deliver a certified copy of the Final Report to the City's Code Enforcement Officer. The City's Code Enforcement Officer shall, upon confirming from the Final Report that the contamination has been remediated, remove the Notice to the Public and provide written authorization to the owner that occupancy may resume.

Section 8.156. Acceptable Levels of Contamination.

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

- A. VOCs: 0.9 parts per million or below.
- B. pH: Surface level of 7 or below.
- C. Mercury: 0.3 microgram per cubic meter of mercury in air or below.

- D. Lead: 20 micrograms per square foot or below.
- E. Methamphetamine: 0.1 microgram per one hundred square centimeters or below.

Section 8.157. Cleanup and Safety Standards.

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

Section 8.158. Final Report.

- A. All inspections and assessments conducted by a contractor during the removal and remediation process shall be fully documented in writing. The report shall include the dates that activities were performed and the names and signatures of the people and/or companies who performed the activities. The Final Report shall include any other types of relevant documentation, including but not limited to photographs, video recordings, drawings, and charts. Such additional documentation shall likewise be signed and dated. The owner shall immediately provide a certified copy of the Final Report to the City's Code Enforcement Officer upon receipt from the contractor.

The Final Report, at a minimum, shall include:

1. A case narrative, site description, and site assessment.
 2. Physical address of property, number and type of structures on property, and description of adjacent and/or surrounding properties.
 3. Law enforcement reports, documented observations, and pre-remediation sampling results that provide information regarding the manufacturing or processing method, chemicals present, manufacturing or processing areas, chemical storage areas, and observed areas of contamination or waste disposal.
 4. Name of cleanup contractor(s) and the contractor's qualifications, experience, and copy(s) of any certification(s); and
 5. The signature of the contractor who prepared the report.
 6. A copy of the contractor's 29 C.F.R. 1910.120 certification.
- B. Where property is remediated, A Final Report shall also include:
1. Worker safety and health information.
 2. Decontamination and Encapsulation Procedures for each area that was decontaminated.

3. Documentation that the structure was cleaned to acceptable levels, including, but not limited to, the location and results of post-decontamination samples, descriptions of analytical methods used, and the location(s) of laboratory(s) used.

Section 8.159. Penalty.

- A. Any person, firm, corporation or association violating any provision of this chapter shall be guilty of a misdemeanor punishable as provided in Section 14.103 of this Code. Provided further, that each day which such violation occurs shall be a separate and distinct offense.
- B. The Provisions of this Chapter shall not preclude the City of Pawnee or any other aggrieved party from pursuing any civil remedies to recover any and all costs associated with administration or enforcement of this Chapter.

Section 8.201. Sanitary Toilet Facilities.

Every owner of a residence or other building in which humans reside, are employed, or congregate within this City shall install, equip and maintain adequate sanitary facilities. This provision shall be especially required of persons who are not connected to or who cannot be connected to the City sewer disposal system. All owners shall adhere to the standards of and approval by the State Health Department.

Section 8.202. Offense.

It shall be an offense to dispose of human excrement within the City of Pawnee in any manner other than the methods listed hereinabove.

Section 8.203. Penalty.

Any person who violates any provisions of this chapter is guilty of an offense and upon conviction thereof shall be punished by a fine not to exceed Forty Dollars (\$40.00), including costs and, in addition, such violation if a public nuisance may be abated. Each day upon which a violation continues shall constitute a separate offense.

CITY FLOOD DAMAGE PREVENTION ORDINANCE

Article 1. Statutory Authorization, Findings of Fact, Purpose and Methods

Section 8.301. Statutory Authorization.

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

Section 8.302. Findings of Fact.

- A. The flood hazard areas of the City of Pawnee are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Section 8.303. Statement of Purpose.

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

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- G. Insure that potential buyers are notified that property is in a flood area.

Section 8.304. Methods of Reducing Flood Losses.

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

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

Article 2. Definitions

Section 8.305. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the

meaning they have in common usage and to give this ordinance its most reasonable application.

- A. Accessory structure - a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include but are not limited to garages and storage sheds.
- B. Area of special flood hazard - the land in the floodplain within the City of Pawnee subject to a one percent or greater chance of flooding in any given year.
- C. Base flood - the flood having a one percent chance of being equaled or exceeded in any given year.
- D. Base flood elevation - the elevation in feet above mean sea level of the base flood or 1% chance flood.
- E. Basement - any area of the building having its floor sub-grade (below ground level) on all sides.
- F. BFE - base flood elevation.
- G. CFR- Code of Federal Regulations.
- H. 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.
- I. Development - 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.
- J. Development Permit - a permit issued by the City of Pawnee Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this ordinance.
- K. Elevated building - a non-basement building built, in the case of a building in Zones AE, A, and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones AE, A, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
- L. Existing construction - 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."
- M. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 4, 1972.
- N. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- O. FEMA- Federal Emergency Management Agency.
- P. FIRM - Flood Insurance Rate Map.
- Q. Flood or flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters, or
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- R. Flood Insurance Rate Map - an official map of the City of Pawnee on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Pawnee.
- S. Flood insurance study - the official report provided by FEMA for City of Pawnee which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.
- T. Floodplain Administrator - a person accredited by the OWRB and designated by the City Council of the City of Pawnee to administer and implement laws, ordinances and regulations relating to the management of floodplains.
- U. Floodplain or flood-prone area - any land area susceptible to being inundated by water from any source (see definition of flood).
- V. Floodplain management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- W. Floodplain management regulations - zoning codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) and other applications of police power. The term describes such state or local regulation's, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- X. 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 City of Pawnee subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- Y. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in

order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Article III, Section B. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

- Z. Functionally dependent use - a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- AA. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- BB. Historic structure - any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior, or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
- CC. Levee - a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- DD. Levee system - a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- EE. Lowest floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR.
- FF. Manufactured home - a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- GG. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- HH. Mean sea level - the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the City of Pawnee's Flood Insurance Rate Map are referenced.
- II. New construction - structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Pawnee City Council and includes any subsequent improvements to such structures.
- JJ. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Pawnee City Council.
- KK. OWRB- Oklahoma Water Resources Board.
- LL. Recreational vehicle - a vehicle which is:
1. Built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projections;
 3. Designed to be self-propelled or permanently towable by a light duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- MM. Start of construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or

footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Article 3. General Provisions

Section 8.306. Lands to Which This Ordinance Applies.

This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Pawnee, Oklahoma.

Section 8.307. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for City of Pawnee, Oklahoma and Incorporated Areas" dated "June 2, 1995", with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this ordinance.

Section 8.308. Establishment of Development Permit.

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

Section 8.309. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Section 8.310. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 8.311. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

Section 8.312. Warning and Disclaimer or Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Pawnee or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Article 4. Administration

Section 8.313. Designation of the Floodplain Administrator.

The City Council of the City of Pawnee designates the City of Pawnee Emergency Management Director or its designee as Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management.

Section 8.314. Duties and Responsibilities of the Floodplain Administrator.

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

- A. Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1618, as amended.
- B. Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
- C. Review, approve or deny all applications for Development Permits required by this ordinance.
- D. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval are required.
- E. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- F. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- H. Shall require the developer/applicant to determine and provide the base flood elevation on a FEMA Elevation Certificate as well as other data as required in order to administer the provisions of Article V.
- I. When a floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AB as delineated on the City of Pawnee 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 City of Pawnee.
- J. After a disaster or other type of damage occurrence to structures in the City of Pawnee, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.

K. Maintain a record of all actions involving an appeal from a decision of the City Council.

L. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

Section 8.315. Permit Procedures.

- A. An Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - 1. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and
 - 2. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- B. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
 - 1. The danger to life and property due to flooding or erosion damage;
 - 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 3. The danger that materials may be swept onto other lands to the injury of others;
 - 4. The compatibility of the proposed use with existing and anticipated development;
 - 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - 8. The necessity to the facility of a waterfront location, where applicable;
 - 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 - 10. The relationship of the proposed use to the comprehensive plan for that area.

C. The Floodplain Administrator or City Council, as applicable, may approve certain development in Zones A or AE delineated on the City of Pawnee FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the Development Permit in that case first complies with 44 CFR Section 65.12.

Section 8.316. Variances.

A. General provisions.

1. The City Council of the City of Pawnee may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this ordinance, if the applicant for the variance presents adequate proof that (i) compliance with this ordinance will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of this Section D. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition that unreasonably creates flooding hazards.
2. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.
3. In no case shall variances be effective for a period longer than twenty (20) years.
4. Any person seeking a variance shall file a petition with the City Council, accompanied by a filing fee of Twenty-five Dollars (\$25.00).
5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) and provisions of Section D of this Article IV have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Chairman of the City Council which states that (i) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property.
7. At such time as the City Council deems the petition ready for notification to the public, the City Council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Pawnee County at least thirty (30) days prior to the hearing.

8. The City Council shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section D. The City Council shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.

9. Variances shall only be issued upon:

- i. A showing of good and sufficient cause;
- ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances; and
- iv. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10. Upon consideration of the factors stated in this Section D and the intent of this ordinance, the City Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Article I, Section C of this ordinance.

11. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the Floodplain Board shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.

B. Special provisions.

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
4. Variances may be issued for new construction and substantial improvements and for other

development necessary for the conduct of a functionally dependent use provided that:

- i. The criteria of Section D(1)(e); Section D(1)(i); Section D(2)(b); and Section D(2)(c) of this Article IV are met, and
- ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Article 5. Provisions for Flood Hazard Reduction

Section 8.317. General Standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- A. 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;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. 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.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. 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,
- G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 8.318. Specific Standards.

In all areas of special flood hazards the following provisions are required:

- A. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one(!) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.

- B. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least one(!) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.

- C. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. 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;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- D. Manufactured Homes - Require that all manufactured homes to be placed anywhere within the community in Flood Zones A and/or AE on the City of Pawnee FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least one (1) foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to a permanent foundation to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

- E. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A and AE on the City of Pawnee FIRM either:

1. Be on the site for fewer than 180 consecutive days,
2. Be fully licensed and ready for highway use, or
3. Meet the permit requirements of Article IV, Section C, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and

security devices, and has no permanently attached additions.

- F. Accessory Structure - Accessory structures to be placed on sites within Zones A and AE on the City of Pawnee FIRM shall comply with the following:
1. The structure shall be unfinished on the interior;
 2. The structure shall be used only for parking and limited storage;
 3. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
 4. Service facilities such as electrical and heating equipment must be elevated to or above the BFE;
 5. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 6. The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
 7. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
 8. Floodway requirements must be met in the construction of the structure;
 9. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
 10. The structure shall be located so as not to cause damage to adjacent and nearby structures.

Section 8.319. Standards for Subdivisions.

- A. The applicant for a Development Permit for any subdivision located in Zones A and AE which is 51 or more lots or greater than 5 acres shall generate the base flood elevation data for that subdivision.
- B. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- C. All subdivisions including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Section 8.320. Floodways.

The following provisions shall apply to floodways:

- A. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any

increase in flood levels within the City of Pawnee during the occurrence of the base flood discharge.

- B. If Article V, Section D.I above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.
- C. The City of Pawnee may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the Development Permit complies with all of 44 CFR Section 65.12.

Section 8.321. Standards for Areas of Shallow Flooding (AO/AH Zones).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flows may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. 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).
- B. All new construction and substantial improvements of non-residential structures;
 1. 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), or;
 2. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (I) a., are satisfied.
 4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

Section 8.322. Severability.

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

Article 6. City of Pawnee Floodplain Management Fee Schedule

Section 8.323. Fee Schedule.

The City of Pawnee City Council establishes the following fee schedule not to exceed \$500.00 for any one service:

- A. Notice of Intent Fee- \$25.00 maximum
- B. Floodplain Development Permit Application Review- \$100.00
- C. Floodplain Development Permit Fee-\$ 25.00
- D. Inspection Fee-per inspection-\$25.00.

Article 7. Penalties for Noncompliance

Section 8.324. Penalties.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this ordinance is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council of the City of Pawnee or its City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

**CHAPTER 9 – HOSPITAL, AMBULANCE AND
EMERGENCY SERVICE**

Section 9.101. Establishment of Pawnee Municipal Hospital.

There is hereby established in the City of Pawnee, a Municipal Hospital to be hereafter known and designated as "Pawnee Municipal Hospital".

Section 9.102. Establishment of Pawnee Municipal Hospital Authority.

The Pawnee Municipal Hospital Authority was created and exists pursuant to Trust Indenture recorded in Book 166 at Pages 22-40 of the records of the County Clerk of Pawnee County and shall have all duties and powers as therein specified.

Section 9.201. Establishment of Ambulance and Emergency Service.

The City of Pawnee, Oklahoma, as agents of the State of Oklahoma, acting solely and alone in its governmental capacity, shall provide ambulance and emergency service to answer all calls for such service in the corporate limits of the City of Pawnee, Oklahoma, and such other calls for which there is no other established agency to provide such service.

Section 9.202. Operation of Service.

The Fire Chief and Emergency Services Director shall be responsible for the operation of such ambulance and emergency service under the control and management of the Mayor who shall, by regulation, provide for the efficient operation of such service.

Section 9.203. Fees.

In order to provide for the cost of such service the City of Pawnee, Oklahoma, shall charge and collect the following fees for such ambulance and emergency service rendered, to-wit:

A. Ambulance Run Rates:

1. BLS-Non Emergency \$800.00 (Basic Life Support)-Basic EMT required
2. BLS-Emergency \$850.00 (Basic Life Support)-Basic EMT required
3. ALS-Non Emergency \$900.00 (Advanced Life Support)- Intermediate EMT required with Intermediate procedure performed.
4. ALS-Emergency \$950 (Advanced Life Support)-
5. Intermediate EMT required with Intermediate procedure performed.
6. Treat/No Transport will be 75% of run fee based upon type of run ambulance for which dispatched.
7. A Fee of \$15.00 per mile shall be added for loaded mileage in addition to the applicable run fee above.

B. Definitions:

1. The term BLS means Basic Life Support with Basic EMT on board.
2. The term ALS means Advanced Life Support with intermediate EMT on board.

Section 9.204. Contract with Other Governmental Agency.

The City of Pawnee, Oklahoma, acting by its Mayor and Council, shall be authorized to contract for ambulance service with any other governmental agency and provide in such contract for the minimum standards of service and equipment and such other terms as might be required by such governmental agency.

Section 9.205. City Employees Engaging in Ambulance Service.

Any employee of the City engaging in ambulance or emergency service at any time shall be considered to be serving in regular line of duty and shall be entitled to all the benefits of any pension fund to which he might otherwise be entitled.

Section 9.206. Compensation for Employees.

The compensation for the employees of the City's ambulance service shall be established by appropriate action of the City Council.

Section 9.207. Ambulance Services Agreement with Noble County, Oklahoma and Noble County Ambulance District.

The city council is hereby authorized and empowered to contract with Noble County, Oklahoma and Noble County Ambulance District to provide ambulance services pursuant to written agreement of the parties. Subject to the prior approval of the city council, the Mayor shall be authorized to execute any and all documents necessary to evidence the City's participation in such ambulance services agreement.

CHAPTER 10 – MISCELLANEOUS

Section 10.101. Definitions and Rules of Construction.

Whenever any of the following words or phrases are used in these Revised Ordinances, the same shall have the meaning herein set forth, to-wit:

- A. the word “City” or the phrase “City of Pawnee” shall refer to the City of Pawnee, Oklahoma.
- B. The singular shall always include the plural and the plural shall always include the singular.
- C. The masculine gender shall always include the feminine and the feminine shall always include the masculine.
- D. Vehicles shall include automobiles, trucks, or other motorized vehicles and motorcycles.
- E. Wherever an act is required to be done as a condition to the exercise of any occupation, pursuit or privilege, the same shall be an offense when not so done prior to the exercise of the occupation or privilege and each day in which said occupation, pursuit or privilege is exercised or pursued without having prior thereto performed the required condition, shall be a separate offense.
- F. Wherever an act is prohibited without being expressly declared to be an offense, the same when committed shall be an offense and shall be punished accordingly.
 - 1. Cleaning: the removal of trash from property.
 - 2. Owner: the owner of record as shown by the most current tax rolls of the County Treasurer.
 - 3. Trash: Any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned.
 - 4. Weed: Includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any state of maturity which:
 - i. 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, unless such trees and shrubbery, by their density or location, constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 - ii. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - iii. Harbors rodents or vermin;
 - iv. Gives off unpleasant or noxious odors;
 - v. Constitutes a fire or traffic hazard; or

vi. Is dead or diseased.

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

Section 10.201. Weeds.

It shall be the duty of the owner, agent or occupants of any lots within the City to keep the same free and clear of weeds or other noxious growth, including the parking in front of said lot as well as the side parking and to the center of the alley in the rear of the lot or lots. He/She shall cause the same to be cut within three days after notice as provided in Chapter 12 on nuisances.

Section 10.202. Offense and Penalty.

If the owner shall fail to cut and remove such weeds, within five days after notice from the Street Commissioner, he shall be guilty of an offense and each day thereafter in which said weeds or any part thereof remain uncut and present shall be a separate offense and upon conviction shall be punished as provided in this Chapter.

Section 10.203. Trespass Upon Private Property.

It shall be unlawful and shall constitute trespass for any person to go upon or enter any private premises or curtilages within the City after the owner or occupant has forbidden the same expressly or by sign posted on the premises.

Section 10.204. Trespass Upon Public Property.

Any person who shall enter any public property or place at any time other than during the hours of the day in which the same is opened for public use shall be guilty of trespass.

Section 10.205. Dead Animals.

Upon notice, it shall be the duty of the animal control officer or other authorized agent to remove any dead animal and dispose of the same as directed by the County Department of Health.

Section 10.206. Offense and Penalty.

Any person who shall commit an act declared herein to be unlawful or an offense shall be punished by a fine, including costs, of not more than Forty dollars (\$40.00).

Section 10.301. Establishing Civil Defense Organization.

The purpose of this Ordinance is to create a Civil Defense Organization for the City of Pawnee to be prepared for, and to function in the event of emergencies endangering the lives and property of the citizens of such City. The duty of such Civil Defense Organization shall be the protection of the lives and health of the citizens of Pawnee and of property rights, both private and public, and to perform all functions necessary and incident thereto.

Section 10.302. Director and Advisory Committee.

There is hereby established under the executive branch of the government of the City of Pawnee, a department of Civil Defense, which shall consist of:

- A. A Director of Civil Defense who shall be the Mayor and City Council of the City of Pawnee.
- B. A Civil Defense Advisory Committee. This Committee shall consist of the Mayor as Chairman and the members of the City Council. The committee shall select from its members a vice-chairman and secretary. It shall hold such meetings as are directed by the Mayor and its function shall be to act in an advisory capacity as needed or requested by the Mayor or the Director of Civil Defense.

Section 10.303. Responsibility.

The Director of Civil Defense shall be the executive head of the department of the Civil Defense and shall be responsible for carrying out the Civil Defense Program of the City of Pawnee. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It shall be the duty of the Director of Civil Defense as soon as practical after his appointment to perfect an organization to carry out the purposes set forth in this Ordinance and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall have such further duty and responsibility to cooperate with all Civil Defense, agencies of other governmental units including the State of Oklahoma and the Federal Government.

Section 10.304. Written Plan.

The Director of Civil Defense is further authorized to formulate written plans and gather information and keep written record thereof to govern the functions of the Civil Defense Organization.

Section 10.305. Emergency Power and Authority.

In the event of an enemy caused emergency or emergency resulting from natural causes, the Director of Civil Defense after due authorization from the Mayor and City Council of the City of Pawnee shall have the power and authority to enforce all rules and regulations relating to Civil Defense and, if necessary, to take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or Civil Defense Organizations; and if required by the Mayor and City Council, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the City of Pawnee.

Section 10.306. Emergency Police Authority.

The Director of Civil Defense and other member of the Civil Defense Organization created by him shall have the power and authority to enforce the laws of the State of Oklahoma and Ordinances of the City of Pawnee during the period of emergency and shall at such time have the further power to make arrests for violations of such laws or Ordinances.

Section 10.307. Liability.

The City nor any member of the Civil Defense organization created hereunder shall be liable for any personal injury received by any other member of such organization while acting in the line of duty.

ARTICLE A. IDENTITY THEFT PREVENTION PROGRAM

Section 10.701. Short Title.

This Section shall be known as the Identity Theft Prevention Program.

Section 10.702. Purpose.

The purpose of this Section is to comply with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

Section 10.703. Definitions.

For purposes of this Article, the following definitions apply:

- A. 'City' means the City of Pawnee.
- B. 'Covered account' means (i) an account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.
- C. 'Credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
- D. 'Creditor' means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.
- E. 'Customer' means a person that has a covered account with a creditor.
- F. 'Identity theft' means a fraud committed or attempted using identifying information of another person without authority.
- G. 'Person' means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
- H. 'Personal Identifying Information' means a person's driver's license, mother's birth name, and date of birth.

- I. 'Red flag' means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
- J. 'Service provider' means a person that provides a service directly to the city.

Section 10.704. Findings.

- A. The City is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
- B. Covered accounts offered to customers for the provision of city services include (utility accounts - water, sewer, electric) (customer accounts - ambulance, fines, fire and trash).
- C. The City's previous experience with identity theft related to covered accounts is as follows:

None

- D. The process of opening a new covered account, restoring an existing covered account and making payment on such accounts have been identified as potential processes in which identity theft could occur.
- E. The City limits access to personal information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered account. Information provided to such employees is entered directly into the City's computer system and is not otherwise recorded.
- F. The City determines that there is a low risk of identity theft occurring in the following ways, if any:
 - 1. Use by an applicant of another person's personal identifying information to establish a new covered account;
 - 2. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
 - 3. Use of another person's bank account, or other method of payment by a customer to pay such customer's covered account or accounts.

Section 10.705. Process of Establishing a Covered Account.

- A. As a precondition to opening a covered account in the City, each applicant shall provide the City with personal identifying information of the customer, for example, a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account. Such information shall be entered directly into the City's computer system and shall not otherwise be recorded.
- B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The City may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

Section 10.706. Access to Covered Account Information.

- A. Access to customer accounts shall be password protected and shall be limited to authorized City personnel.
- B. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the City Clerk and the password changed immediately.
- C. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Mayor and/or City Attorney.

Section 10.707. Credit Card Payments Are Not Accepted by the City of Pawnee.

Section 10.708. Sources and Types of Red Flags.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- A. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
 - 1. A fraud or active duty alert that is included with a consumer report;
 - 2. A notice of credit freeze in response to a request for a consumer report.
 - 3. A notice of address discrepancy provided by a consumer reporting agency;
 - 4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - i. A recent and significant increase in the volume of inquiries;
 - ii. An unusual number of recently established credit relationships;
 - iii. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - iv. an account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
- B. Suspicious documents. Examples of suspicious documents include:
 - 1. Documents provided for identification that appear to be altered or forged.
 - 2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer.

3. Identification on which the information is inconsistent with information provided by the applicant or customer;
 4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or recent check; or
 5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.
- C. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor, for example:
 - i. The address does not match any address of the City; or
 - ii. The social security number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
 2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
 3. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
 4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
 5. The SSN provided is the same as that submitted by other applicants or customers.
 6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
 7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
 9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or City records.
- D. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
1. Shortly following the notice of a change of address for an account, City received a request for the addition of authorized users on the account.
 2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. There is, for example:
 - i. The customer fails to make the first payment or makes an initial payment but no subsequent payments.
 3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - i. Nonpayment when there is no history of late or missed payments;
 - ii. A material change in purchasing or spending patterns;
 4. an account that has been inactive for a long period of time is used.
 5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
 6. The City is notified that the customer is not receiving paper account statements.
 7. The City is notified of unauthorized charges or transaction in connection with a customer's account.
 8. The City is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.
- Section 10.709. Prevention and Mitigation of Identity Theft.**
- A. In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggest a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the City Clerk. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Clerk, who may at his or her discretion determine that no further action is

necessary. If the City Clerk in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Mayor and City Clerk:

1. Contact the customer.
 2. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
 - i. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - ii. Close the account;
 3. Cease attempts to collect additional charges from the customer and decline to sell the customer to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue.
 4. Notify a debt collector with 48 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account.
 5. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
 6. That other appropriate action to prevent or mitigate identity theft.
- B. In the event that any City employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the City Clerk. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Clerk, who may in his or her discretion determine that no further action is necessary. If the City Clerk in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined appropriate by the City Clerk:
1. Request additional identifying information from the applicant;
 2. Deny the application for a new account;

3. Notify law enforcement of possible identity theft; or
4. Take other appropriate action to prevent or mitigate identity theft.

Section 10.7010. Updating the Program.

The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the City and its covered accounts from identity theft. In so doing, the city Council shall consider the following factors and exercise its discretion in amending the program:

- A. The City's experiences with identity theft;
- B. Updates in methods of identity theft;
- C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- D. Updates in types of accounts that the City offers or maintains; and
- E. Updates in service provider arrangements.

Section 10.7011. Program Administration.

The City Clerk is responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

- A. The City Clerk will report to the Mayor at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
 1. The effectiveness of the policies and procedures of City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 2. Service provider arrangements;
 3. Significant incidents involving identity theft and management's response; and
 4. recommendations for material changes to the Program.
- B. The City Clerk is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The City Clerk shall exercise his or her discretion in determining the amount and substance of training necessary.

Section 10.7012. Outside Service Providers.

In the event that the City engages a service' provider to perform an activity in connection with one or more covered accounts the City Clerk shall exercise his or her discretion in reviewing such arrangements in order to ensured, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

Section 10.7013. Definitions.

For purposes of this Ordinance, the following definitions apply:

- A. The City makes no requests to any consumer reporting agency to establish accounts nor to advise any such agency regarding any account pertaining to utility or other accounts.

CHAPTER 11 – MUNICIPAL CRIMINAL COURT

Section 11.101. Organization.

This Ordinance shall govern the organization and operation of the Municipal Criminal Court of the City of Pawnee, Oklahoma, as put into operation by Resolution duly passed on the 15th day of January, 1969, and filed in accordance with law, as authorized by Title 11, Oklahoma Statutes, Section 958.1, 958.2. To the extent of conflict between any provision of any other Ordinance of this City, the provisions of the Ordinance shall control. Said Court shall be operative on and after the 11th day of February, 1969

Section 11.102. Definitions.

As used in this Ordinance, unless the context requires a different meaning, the following words shall mean:

- A. Court - the Municipal Criminal Court of this City
- B. Judge - the Judge of the Municipal Criminal Court, aforesaid, including any acting thereof as provided for by the Statutes of this State, and this Ordinance.
- C. Municipality- the City of Pawnee, Oklahoma
- D. Clerk - the Clerk designated by the Judge with the approval of the Mayor and City Council.
- E. Governing Body - the Council of the Municipality.
- F. Chief of Police - the peace officer in charge of the police force of the Municipality.
- G. Judicial District - the District Court Judicial District of the State of Oklahoma, wherein the government of this Municipality is situated.

Section 11.103. Jurisdiction.

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

Section 11.104. Judge.

The Mayor and City Council shall appoint the Judge of the Court.

Section 11.105. Term of Judge.

The official term of the Judge shall be at the will of the Mayor and Council, expiring on the first Monday of May in each odd numbered year. Each Judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified, provided that the Judge of the Municipal Court existing in this Municipality at the effective date of this Ordinance shall act as Judge of the Court herein provided for until a Judge is appointed and qualified under the terms of the Ordinance.

Section 11.107. Acting Judge.

If, at any time, there is no Judge duly appointed and qualified, available to sit as Judge, the City Council shall

appoint some person, possessing the qualifications required by this Ordinance for the Judge, as acting Judge.

Section 11.108. Term of Acting Judge.

The acting Judge shall preside over the Court in the disposition of all matters until such time as a Judge shall be available.

Section 11.109. Salary.

The Judge, or acting Judge, shall receive a salary as prescribed by the Mayor and/or Council.

Section 11.110. Removal of Judge.

Judges shall be subject to removal from office, by the governing body, for the causes prescribed by the Constitution and laws of the State for the removal of public officers. So far as they can be made applicable, the provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, O.S. 309-317 and any amendments thereto in effect at the time of the hearing) shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal, and shall be applicable as provided by law.

Section 11.111. Vacancy of Office of Judge.

A vacancy in the office of Judge shall occur if the incumbent (1) dies, or (2) resigns, or (3) ceases to possess the qualifications for the officer or (4) is removed, and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review. Upon the occurrence of a vacancy in the office of judge, the Council shall appoint a successor to complete the unexpired term, upon the same procedure as an original appointment is made.

Section 11.112. Disqualification of Judge.

In prosecutions before the Court no change of venue shall be allowed; but the Judge whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for Courts of Record. If a Judge is disqualified, the matter shall be heard by the acting Judge, appointed as provided in this Ordinance.

Section 11.113. Writ and Process.

All writs or processes of the Court shall be directed, in his official title, to the Marshal of the Municipal Criminal Court of Pawnee, Oklahoma, who shall be the principal officer of the Court. The governing board of the City, upon recommendation of the Judge, may designate any appropriate person who is a resident of the City to serve as Marshal, and in the absence of such a designation, the chief of Police shall be ex-officio Marshal of the Court, and such duty may be performed by any member of the police force of the City.

Section 11.114. Clerk of the Court.

The Clerk or a Deputy designated by the Judge, with the approval of the Mayor and the council, shall be the Clerk of the court. In the event no Clerk is designated, the Judge shall enter his findings and shall order citations. The Clerk

shall assist the Judge in recording the proceedings of the Court and in preparing writs, processes and other papers. The Judge shall administer oaths required in proceedings before the Court. The Judge shall enter all pleadings, processes, and other clerical duties relating to the proceedings. The Clerk shall receive and receipt for forfeitures, fees, deposits, and sums of money payable to the Court. The Chief of Police shall pay the Clerk of this Municipality, on the tenth (10th) day of each month, all money so received by him, except such special deposits or fees as shall be received to be dispersed by him for special purposes. All money paid to the Clerk shall be placed in the general fund of the Municipality, or in such other fund as the governing body may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed.

Section 11.115. Prosecuting Officer.

The attorney for this Municipality, or his duly designated assistant, may at the direction of the Mayor be prosecuting officer of the Court. He may prosecute all alleged violations of the Ordinances of the City. He may be authorized, in his discretion, to prosecute and resist appeals, proceedings in error and review from this Court to any other courts of the State, and to represent this Municipality in all proceedings arising out of matters in this Court. In his absence the Judge shall hear the evidence of the police, the accused, and his witnesses and render his decision.

Section 11.116. Bond for Clerk of Court.

The Clerk of the court shall post any bond required by State law at the expense of the City.

Section 11.117. Rules of Court.

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

Section 11.118. Contempt.

Obedience to the orders, rules, and judgments made by the Judge or by the Court may be enforced by the Judge, who may fine for contempt committed as to him while holding court, or committed against process issued by him, as may be authorized by State law.

Section 11.119. Style of Prosecution – Written Complaints.

All prosecutions for violation of Ordinances of this Municipality shall be styled "The City of Pawnee, Oklahoma, vs. (naming Defendant or Defendants)." Except as provided hereinafter, prosecutions shall be initiated by the filing of a written complaint before a Judge, the Court Clerk, a Deputy Clerk, or a Police Officer, and setting forth concisely the offense charged. In lieu thereof, the Uniform Traffic Citation form may be used.

Section 11.120. Traffic Citations.

A. If a police officer observed facts which he believes constitute a violation of the traffic ordinances of this Municipality, committed by resident thereof, in lieu of arresting such person, he may take his name, address, operator's license number, the registered

license number of the motor vehicle involved, and any other pertinent and necessary information and may issue to him, in writing, in form prescribed by the Mayor or his duly designated delegate, a traffic citation embracing the above information, and notifying him to answer to the charge against him in the court at a time, specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation, to answer as specified, shall release said person from custody. If the person to whom a citation is issued, fails to answer as prescribed in the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this Ordinance.. If more than one (1) violation is involved, all such violations maybe included on one citation.

- B. If the alleged traffic violation is committed by nonresident of this Municipality, the Police Officer shall treat him the same as a resident.
- C. If the alleged offense by a violation of an Ordinance restricting regulating the parking of vehicles, including any regulations issued under such Ordinance and the operator be not present, the Police Office shall place on the vehicle, such notice as may be provided by current State law as it appears in this compilation by reference.

Section 11.121. Traffic Violation Bureau.

A Traffic Violations Bureau hereby is established as a division of the Office of the Clerk of the Court, to be administered by the Clerk, or by subordinates designated by him for that purpose. Persons who are cited for violation of one of the traffic regulatory Ordinances of this Municipality, or other offense, may elect to pay a fine in the Traffic Violations Bureau according to the following schedule:

See Appendix A. Fine and Bond Schedule.

The Court may adopt rules to carry into effect this Section. Payment of fine under this section shall constitute a final determination of the cause against the Defendant. If a Defendant who has elected to pay a fine under this section fails so to do, prosecution shall proceed under the provision of this Ordinance.

Section 11.122. Summons to Appear on Complaint.

- A. Upon the filing of a complaint charging violation of an Ordinance, the Judge, unless he determines to issue a warrant of arrest, or unless the Defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in 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 and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this Ordinance.

Section 11.123. Warrant of Arrest.

Except as otherwise provided in the Ordinances of this Municipality, upon the filing of a complaint approved by endorsement by 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 Pawnee to the Marshal of the Municipal Criminal Court of Pawnee, Oklahoma, or Chief of Police or any Police Officer. Complaint upon oath having this day been made by (naming complainant) that the offense of (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 (name of Defendant) and bring _____ (insert him/her or them, as appropriate) before me, at _____ (naming the place)."

Witness my hand this ____ day of _____, _____.

Judge of the Municipal Criminal Court of Pawnee

It shall be the duty of the aforesaid Marshal, or Chief of Police or any Police Officer, personally or through any other persons lawfully authorized so to act, to execute said warrant as promptly as possible.

Section 11.124. Bail.

Upon arrest, or upon appearance without arrest in response to citation or summons, or at any other 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 the Judge, who shall prescribe appropriate rules of Court for the receipt of bail.

Section 11.125. Arraignment.

Upon making his appearance before the Court, the Defendant shall be arraigned. The Judge shall read the complaint to the Defendant, inform him of his legal rights and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the Defendant pleads guilty, the Court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, the Court may proceed to try the case, or may set it for hearing at a later date.

Section 11.126. Postponement of Trial.

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

Section 11.127. Presence of Defendant.

The Defendant must be present in person at the trial, unless after proper notice he fails to appear.

Section 11.128. Rules Applicable to Trials.

In all trials, as to matters not covered in this Ordinance, 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.

Section 11.129. Judgment and Sentence.

If the Defendant pleads guilty or is convicted after trial, the Court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable Ordinance and imposing sentence accordingly.

Section 11.130. Community Service.

In the discretion of the Judge he may order community service in lieu of fine as may be authorized by State law.

Section 11.132. Judgment Docket.

At the close of trial, judgment must be rendered immediately by the Judge who shall cause it to be entered in his docket.

Section 11.133. Discharge on Acquittal.

After conviction and sentence, the Judge may suspend sentence, in accordance with the provision of, and subject to the conditions and procedures imposed by, Sections 958.15 and 958.16 of Title 11, Oklahoma Statutes, 1968 Supplement.

Section 11.135. Suspension or Deferment of Sentence.

- A. Whenever any person shall be convicted in the municipal court of violating a municipal ordinance, the judge trying said cause, after sentence, may suspend said judgment or costs, or both, and allow said person so convicted to be released upon his own recognizance. Provided, if it shall be made to appear to the judge that such person having complied with any conditions which might be prescribed by the municipal judge then the municipal judge may order the record of that proceeding expunged from the records of the Municipal Court. Provided further that this can be done in accordance with the provision of, and subject to, the conditions procedures imposed by Title 11, 27-123, Oklahoma Statutes.
- B. If the Defendant pleads or is found guilty of an offense against the City, the municipal judge shall have the authority to either suspend the execution of sentence in whole or in part with or without probation. If the Defendant, on conviction or plea of guilty, fails to pay or to stay the execution of judgment as provided herein, or if after staying the execution of judgment he fails to pay the fine and costs, he shall be committed to the County jail until he shall have served out the amount thereof. Upon payment of the fine and costs, the judge shall discharge such Defendant unless he is held for another legal cause. Probation, as used in this section, is the procedure under which a Defendant, found guilty of a crime, is released by the court subject to conditions imposed by the court and subject to the supervision of the proper guidance personnel as defined by the court. Such supervision shall be initiated on an order of probation from the court, and such supervision shall not exceed six (6) months.
- C. Upon a verdict or plea guilty, but before a judgment of guilty, the court may, without entering a judgment of guilty, defer such sentencing and place the Defendant on probation under supervision of the proper

probation personnel as shall be decided by the Municipal Court and upon the conditions of probation which are prescribed by the court. Upon the completion of the probation term, which probation term, under this procedure shall not exceed six (6) months, the Defendant shall be discharged from the probation program and any charges brought against the Defendant may be dismissed with prejudice to any further action if the court so chooses. Upon violation of the conditions of probation, the court may enter judgment of guilt.

- D. The Court may, upon deferment of any sentence, impose a deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking not to exceed Two Hundred Dollars (\$200.00), and for all other offenses a deferral fee in lieu of a fine not to exceed Five Hundred Dollars (\$500.00).
- E. The Court, upon granting probation, may fix a fee not to exceed Two Hundred Dollars (\$200.00) for traffic-related offenses and Five Hundred Dollars (\$500.00) for all other offenses, to be paid by the probation during the probation period. The court may make payment of the fee a condition of granting or continuing the probation, and such condition may be imposed whether the probation is incident to the suspending of imposition or the deferring of a sentence.
- F. The fees provided for in subsections (D) and (E) of this section shall be paid to the Court Clerk and credited to the general fund for the City. Any and all monies credited to such fund are hereby appropriated for paying the expense of supervising probationers.

Section 11.136. Jury Trials.

In all prosecutions for violations of ordinances punishable by fines of more than five hundred dollars (\$500.00), or by imprisonment, or by both such fine and imprisonment, trials shall be by jury unless waived by the defendant and the city. If trial by jury is waived, a trial shall be to the court. At arraignment, the defendant shall be asked whether he waives trial by jury. His election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case. A waiver of jury trial, made at arraignment, may be withdrawn by the defendant at any time prior to the day for which trial by the court is set; such waiver may also be made at any time prior to the commencement of proceedings to impanel the jury for the trial; but, if such waiver occurs after the case has been set for jury trial, it may not thereafter be withdrawn.

Section 11.137. Costs.

If judgment of conviction is entered, the municipal judge may order the clerk of the court to tax court costs in maximum amount of thirty dollars (\$30.00) to the Defendant, plus any fees and mileage for witnesses and any costs or fees mandated by the Council on Law Enforcement training, all in addition to any fine that might be imposed.

CHAPTER 12 – NUISANCES

Section 12.101. Public Nuisance in General.

The following are declared to be public nuisances: A thing, act, occupation, or use of property which:

- A. Shall annoy, injure, or endanger the safety, health, comfort or repose of any considerable number of persons;
- B. Shall offend the public decency;
- C. Shall unlawfully interfere with, obstruct or tend to obstruct, or render dangerous for passage, a lake or basin, or a public park, square, street, alley or highway; or
- D. Shall in any way render any considerable number of persons insecure in life or in the use of property.

Section 12.102. Public Nuisances Affecting Health.

The following are hereby declared to be public nuisances affecting health:

- A. All decayed or unwholesome food offered for sale to the public;
- B. All diseased animals running at large;
- C. All ponds, pools of water, or vessels holding stagnant water in which mosquitoes can breed;
- D. Milk produced by cows which have not been tested and found free from tuberculosis within the year previous to the offering of such milk for the sale to the public;
- E. Carcasses of animals not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
- F. Accumulations of manure or rubbish which are breeding places for flies, mosquitoes or of vermin;
- G. Privy vaults and garbage cans which are not fly-tight or are contrary to Ordinances relating thereto;
- H. Noxious weeds and other rank growths of vegetation upon public or private property;
- I. Dense smoke, noxious fumes, gas, soot or any pollutant such quantities as to render the occupancy of property uncomfortable to a person or ordinary sensibilities;
- J. Offensive trades and businesses as defined by statute that are not authorized by State law.
- K. All other acts, omissions of acts, occupations and uses of property which constitute nuisances as defined by law.

Section 12.103. Public Nuisances Affecting Morals and Decency.

The following are hereby declared to be public nuisances affecting the public morals and decency:

- A. All gambling devices, slot machines, and punch boards;
- B. All houses kept for the purpose of prostitution;
- C. All places where intoxicating liquors are manufactured, sold, bartered, or given away in violation of the laws of Oklahoma.

Section 12.104. Public Nuisances Affecting Peace and Safety.

The following are hereby declared to be public nuisances affecting peace and safety:

- A. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles approaching an intersection of public highways, from having a clear view of traffic approaching such intersection from cross streets, for one hundred (100) feet along such cross streets measured from the property line;
- B. All limbs of trees which project over a public sidewalk or street and which are less than eight (8) feet above the surface of such public sidewalk and nine (9) feet above the surface of such street;
- C. All wires over the streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the ground and all wires not licensed by the City.
- D. All use of or display of fireworks except as provided by Ordinances;
- E. All loud or unusual noises and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities;
- F. All hanging signs, awnings, and other structures over the streets or sidewalks so situated or constructed as to endanger public safety.

Section 12.105. Definitions.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section unless the context clearly requires otherwise:

- A. Motor vehicle: Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts and golf carts;
- B. Junked motor vehicle: Any motor vehicle which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;
- C. Appliance: Any equipment, instrument or article designed for household, office or commercial use, including furniture;
- D. Junked appliance: Any appliance which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;
- E. Private property: Any real property within the City which is not public property; and

- F. Public property: That property which is dedicated to the public use and over which the federal, state, county or city government or agency thereof exercises control and dominion.

Section 12.106. Leaving Junk Motor Vehicle or Appliance Prohibited Nuisance.

It is unlawful for any person to park, store, leave or permit the parking, storing, or leaving of any junked motor vehicle or junked appliance, whether attended or not, upon any public or private property within the City for a period of time in excess of seventy-two (72) hours. The presence of any junked motor vehicle or junked appliance or parts thereof on private or public property is hereby declared a public nuisance which may be abated such in accordance with this ordinance or by applicable law. This chapter shall not apply to any motor vehicle or appliance enclosed within a building on private property or held in connection with a lawful business enterprise conducted in the appropriate zoning district of the City, pursuant to the zoning laws of the City, or to any motor vehicle which is:

- A. In operable condition specifically adopted or designed for operation on drag strips or raceways; or
- B. Retained by the owner for antique collection purposes in a storage place maintained in a lawful place and manner.

Section 12.107. Notice to Remove.

Whenever it comes to the attention of the Mayor or his designee that any nuisance as defined in this chapter exists in the City, a notice in writing shall be served upon the occupant of the land where the nuisance exists. In case there is no such occupant, then it shall be served upon the owner of the property or his agent, notifying them of the existence of the nuisance requesting its removal in the time specified in this chapter.

Section 12.108. Responsibility for Removal.

Upon proper notice and opportunity to be heard, the owner of the junked motor vehicle or junked appliance and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of the removal and disposition by the City or its designee, the owner or occupant of the private property where the same is located shall be liable for the expenses incurred.

Section 12.109. Notice Procedure.

The Mayor or his designee shall give notice of removal to the owner or occupant of the private property where it is located, at least ten (10) days before the time of compliance. It shall constitute sufficient notice when a copy of the notice is posted in a conspicuous place upon the private property upon which the junked motor vehicle or junked appliance is located and duplicate copies are sent by certified mail, return receipt requested, to the owner his last known address.

Section 12.110. Content of Notice.

The notice shall contain the request for removal within the time specified in this chapter and the notice shall advise that upon failure to comply with the notice to remove, the City shall prosecute a complaint for failure to abate the

nuisance or it shall undertake such removal with the cost to be levied against the owner or occupant of the property.

Section 12.111. Request for Hearing, Procedure.

A person to whom the notice is directed or his duly authorized agent may file a written request for hearing before the City Council within the ten (10) day period of compliance for the purpose of defending the charges by the City. The hearing shall be held as soon as practicable after the filing of the request and all persons to whom a notice is directed shall be advised of the time and place of the hearing. At any such hearing the City and any person to whom the notice has been directed may introduce such witnesses and evidence as either party deems necessary.

Section 12.112. Removal of Junk Vehicle or Appliance.

If the violation described in the notice has not been remedied within the ten (10) day period of compliance, or in the event that a notice to the owner or occupant requesting removal of the vehicle has not been complied with and this fact is affirmed by the City Council, then the Mayor or his designee shall continue to prosecute charges on the daily basis for failure to abate the nuisance and shall also have the right to take possession of the junked motor vehicle or junked appliance and remove it from the premises. It is unlawful for any person to interfere, hinder or to refuse to allow such person or persons to enter upon private property for the purpose or removing a junked vehicle or appliance under the provisions of this chapter.

Section 12.113. Notice of Removal.

Within forty-eight (48) hours after the removal of any junked vehicle or junked appliance, the Mayor or his designee shall give notice to the registered owner of a vehicle, if known, and notice to the owner or occupant of the private property from which the vehicle or appliance was removed that the vehicle or appliance has been impounded and stored for violation of this chapter, and will be disposed of or sold if not reclaimed as provided herein, along with payment of all costs. Notice shall give the location where the vehicle or appliance is stored and the proper procedure for redeeming the vehicle or appliance, including cost of redemption.

Section 12.114. Disposal and Sale.

If the vehicle or appliance remains unclaimed for sixty (60) days after providing or mailing the notice provided herein, the police chief is authorized to dispose or sell the property as follows:

- A. The Police Chief shall file an application in the district court of the county requesting the authority of the court to conduct a sale of such personal property which has a fair market value in excess of costs of sale. The Police Chief shall attach to his application a list describing such property including any identifying numbers and marks, the date the property came into his possession, and the name of the owner and his address, if known. The court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing of the application.
- B. In any instance where the property has an actual or apparent value of more than Twenty-five Dollars (\$25.00), at least ten (10) days prior to the date of the hearing, notice of the hearing shall be sent by certified

mail to each owner at his address as listed in the application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars (\$500.00) is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the City. The notice shall contain a brief description of the property of the owner and the place and date of the hearing. The notice shall be posted at the assigned place for the posting of City notices, and at two (2) other public places in the City.

- C. If no owner appears and establishes ownership to the property at the hearing, the court shall enter an order authorizing the Police Chief to sell the personal property for cash to the highest bidder at an auction sale, after at least five (5) days notice of the sale has been published. The Police Chief shall thereafter make a return of the sale, and the order of the court confirming the sale shall vest title to the property in the purchaser. The money received from the sale of the personal property shall be deposited in the city's general fund after first paying court costs and other expenses.
- D. Property authorized to be destroyed herein or by state or other law, or which cannot be sold or used by the City, shall be destroyed on order of the police chief. The destruction of personal property must be witnessed by at least three (3) members of the police department who must sign a certificate of destruction listing all property destroyed, a general description of same, the date, time, place and manner of such destruction.

Section 12.115. Liability of Owner or Occupant.

Upon the failure of the owner or occupant of property on which a junked motor vehicle or junked appliance has been removed by the City to pay the unrecovered expense incurred by the City in such removal, the amount of the unrecovered cost may be recovered in the same manner as such bills.

Section 12.116. Certificate to County Treasurer.

If the private property is not served by city utilities or if collection efforts are not successful, the costs may be certified by the City Clerk to the county treasurer who shall add the same to the ad valorem taxes assessed against the property until paid, and shall be collected in the same manner as ad valorem taxes assessed against the property, until paid, and when collected shall be paid to the City.

Section 12.117. Abandoned Refrigerators.

No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door or lock or an airtight snap lock which may not be released or opened from the inside of the icebox, refrigerator or container.

Section 12.118. Penalty.

In addition to the procedure set out herein for removal of any junked motor vehicle or junked appliance, any person who violates any of the provisions of this Ordinance shall be guilty of an offense and upon conviction thereof shall be

punishable by a fine and costs for each offense of a sum not exceeding \$100.00. That each day of occurrence shall constitute a separate offense for provisions hereof.

Section 12.119. Repealer.

All Ordinance or parts of Ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

Section 12.120. Severability.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 12.121. Emergency.

Whereas, it being immediately necessary for the preservation of the peace, health and safety of Pawnee and the inhabitants thereof that the provisions of the Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

Section 12.122. Abatement of Nuisances.

The City shall summarily abate any of the nuisances heretofore enumerated in this Chapter after notice to the owner has given and opportunity has been given and opportunity has been afforded such owner to be heard, if such opportunity can be given, all as hereinafter provided.

Section 12.123. Notice to Abate Nuisance.

- A. Whenever the City Council and Mayor pass a resolution finding that a nuisance exists, the Mayor, upon direction of the City Council, shall cause to be served upon the owner, an agent or occupant of the property on which the nuisance is located, or upon the person causing or maintaining the nuisance, a written notice to abate or to request a hearing as provided in Section 12.116.
- B. "Person" includes for the purpose of this chapter any individual, firm, corporation, trust, any other organized group or any government.

Section 12.124. Contents of Notice to Abate.

The notice to abate shall contain:

- A. In order to abate the nuisance or request a hearing in writing within a stated time which shall be a reasonable time under the circumstances.
- B. Location of nuisance if stationary.
- C. Description of what constitutes the nuisance.
- D. Statement of act or acts necessary to abate the nuisance.
- E. Statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the cost against such person.

- F. A sample form of the notice is as follows:
- G. Notice to Abate Nuisance
- H. To: (Name and address of owner, agent, or occupant of the property on which the nuisance is located, or the person causing or maintaining the nuisance.)
- I. You are hereby notified to abate the nuisance existing at (location of nuisance) or file written request with the City Clerk for a hearing within (hours or days) from service of this notice.
- J. The nuisance consists of (describe the nuisance), and shall be abated by (state action necessary to abate the particular nuisance).
- K. In event you fail to abate or cause to be abated the above nuisance as directed, the Chief of police will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.
- L. The City of Pawnee, Oklahoma
- M. By _____
Mayor

Section 12.125. Method of Service.

All such notices shall be served by the Chief of Police or other officer or some duly authored person, by delivering to the person a written copy if he can be found, or in case he cannot be found, then by leaving Posted on the door or other convenient and conspicuous place of the premises and by mailing to the last known address of the person to be served as shown by the Office of the County Treasurer; and by mailing to such address as prescribed by law. In event such address is not known then the posting alone shall be sufficient. In any event when the person cannot be personally served with the notice the authority serving the notice shall assume that the person so notified has requested a hearing and all further proceedings conducted as if a request for hearing has been filed.

Section 12.126. Abatement by Municipality.

If a person so notified neglects or fails to abate the nuisance as directed, the Mayor, upon direction of the City Council, may cause the nuisance to be abated, keeping an accurate account of the expense incurred. The expense account shall be full itemized, verified and filed with the City Clerk. Such expenses shall be paid by the municipality.

Section 12.127. Collection of Cost of Abatement.

The clerk shall mail a statement of the total cost to the person failing to abide by the notice to abate and if the amount shown by the statement has not been paid within the time currently provided by State law, he shall certify the costs to the County Treasurer along with the other lists of certified assessments against the property of the party to be paid as other ...

Section 12.128. General Liability.

In addition to all other provisions of this...who fails or refuses to abate and remove a nuisance upon orders...proper City officials shall be and remain civilly

liable for all costs to which the City is put, which may be recovered in a civil action for that purpose.

Section 12.129. Request for Hearing and Appeal.

- A. Any person ordered to abate a nuisance may have a hearing with the Mayor and the City Council ordering the abatement as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the City Clerk within the time prescribed in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.
- B. At the conclusion of the hearing, the Mayor and City Council shall render a written decision as to whether a nuisance exists. The findings of the Mayor and City Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

Section 12.130. Abatement by Suit in District Court.

In cases where it is deemed impractical summarily to abate a nuisance, the City may bring suit in the District Court of the County where the nuisance is located, as provided by State law.

Section 12.131. Nuisance Unlawful.

It is unlawful for any person (owner, lessee, or other) to create or maintain a nuisance within the City, or to permit a nuisance to remain on premises under his control within the City, or to permit a nuisance to remain on premises under his control within the City.

Section 12.132. Penalty.

Any person who violates any provision of this Chapter, by doing any act prohibited or declared to be unlawful thereby, or declared to be a nuisance, an offense, or misdemeanor thereby, or who fails to do any act required by any such provision, or who fails to do any act where such provisions declare such failure to be unlawful or to be an offense or misdemeanor, or who violates any legal order or regulation made pursuant to this Chapter, or who maintains any nuisance as defined in this Chapter, is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Forty dollars (\$40.00), including costs. Each day upon which a violation continues shall be deemed a separate offense.

Section 12.133. Definition of Dilapidated Buildings.

“Dilapidated Buildings” means the neglect of necessary repairs to a building or allowing it to fall into a state of decay, or allowing it to fall into partial ruin to such an extent that the building is a hazard to the health, safety or welfare of the general public.

Section 12.134. Condemnation of Dilapidated Buildings, Notice and Removal.

After fifteen (15) days notice by the City to the property owned by posting upon certain property within the City limits of the City and by written notice to the owner thereof by certified mail, return receipt requested at the address shown by the current year's tax rolls in the County Treasurer's Office, and by mailing notice to any mortgage holder as shown by the records in the Office of the County Clerk to the last known address of the mortgagee, a

hearing may be held by the City Council of the City to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community or creates a fire of the property requires such a conclusion, and that the property would be benefited by the removal of such conditions, the City Council may cause the dilapidated buildings to be torn down and removed and shall fix reasonable dates for the commencement and completion of the work. For such purpose the agents of the City are hereby granted the right of entry of such property for the performance of the property owner within dates fixed by the City Council.

Section 12.135. Recovery of Cost of Dismantling/Lien.

- A. The Mayor and City Council shall determine the actual cost of such dismantling and removal of the dilapidated buildings, and such other expenses as may be necessary in connection therewith, including the cost of notice and mailing, and the City Clerk shall forward by certified mail with return receipt requested to the property owner, at the address shown by the current year's tax rolls in the County Treasurer's Office and by mailing notice to any mortgage holder as shown by the records in the Office of the County Clerk to the last known address of the mortgagee, a statement of such actual cost and demand payment thereof; providing that, if dismantling and removal of dilapidated buildings is done on a private contract basis, it shall be awarded to the lowest and best bidder. If dismantling and removal of dilapidated buildings is done by the City, then cost to property owner shall not exceed the actual cost of labor, maintenance and equipment required for dismantling and removal of dilapidated buildings. If payment is not made within six (6) months from a date of such mailing, the City Clerk shall forward a certified statement of the amount of such cost to the County Treasurer of the County in which the property is located and the same shall be levied on the property and collected by the County Treasurer as other taxes authorized by law.
- B. Such 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 such property, and such lien shall continue until such cost shall be fully paid.

CHAPTER 13 – PARKS AND RECREATION

Section 13.101. Rules for Recreational Facilities.

The Mayor and City Council of the City shall promulgate such rules, regulations, and other requirements as it deems necessary or expedient in connection with swimming, fishing, and fishing privileges, hunting and hunting privileges, boating and boating privileges, and concerning the utilization of all other recreational facilities owned or operated by the City.

Section 13.102. Camping.

It shall be unlawful to use parks or other public areas within the jurisdiction of the City for overnight camping without the prior approval or consent of the Mayor and City Council through their designated agent.

Section 13.103. Fishing Licenses.

No person shall be allowed to fish at Pawnee Lake without securing a license therefore and complying with all Ordinances relating thereto. Any such person so fishing shall, upon demand by an appropriate City official, produce such license.

Section 13.104. Licenses – Issuance and Procedure.

- A. Fishing licenses shall be issued by the caretaker or custodian of the Pawnee lake, upon payment of the fees hereinafter provided for and upon production of a valid State of Oklahoma fishing license by the applicant.
- B. All moneys collected by said caretaker or custodian as fees for fishing licenses on or in Pawnee Lake, shall be paid to the City Clerk to be deposited as provided.
- C. All said moneys collected shall be deposited by the City in the General Fund.
- D. The City shall print the required forms and licenses for fishing privileges which shall contain ample space for the identification of the licensee. Since licenses shall be printed in duplicate or with stub attached and shall be numbered consecutively with the duplicate or stub bearing the same number as the original. The licenses shall be bound in books with equal number of duplicates or stubs. The City Clerk or caretaker and custodian of the lake shall keep an accurate amount of the number of licenses printed by the City, the number issued and the amount of fees collected therefore, and shall upon request, make a report in writing to the Mayor and City Council showing the current status of licenses issued.
- E. The Mayor with the consent of the Council shall appoint a caretaker or custodian of said lake and grounds as to which fishing licenses are sold as provided herein. Said caretaker or custodian shall receive such compensation as shall be fixed by the Mayor and Council, and shall have such other or additional duties as the Mayor and shall provide.

Section 13.201. Boating and Skiing – Permits.

Persons using the Pawnee Lake for boating for the purpose of water skiing or boating for the purpose of fishing

in said lake shall obtain permits from the caretaker or custodian prior to engaging in any such activity.

Section 13.202. Water Skiing Permits.

Persons who participate in water skiing on said lake shall obtain a permit for said activity from the caretaker or custodian of the lake prior to engaging in such activity.

Section 13.203. Boats – Safety Precautions.

All boats used on said lake shall be properly constructed including air tanks or other flotation equipment which will prevent or deter sinking of any such vessel, and any and all persons riding in a boat upon the lake shall wear life preservers.

Section 13.204. Skiing – Life Preservers.

Persons participating in water skiing shall also wear appropriate life preservers.

Section 13.205. Boat Permits Displayed.

One permit shall be placed on each side of the vessel in plain view.

Section 13.206. Swimming.

- A. It is unlawful for any person to dive in the swimming areas of Pawnee Lake, and it is unlawful to dive or to swim outside of the designated swimming areas at Pawnee Lake.
- B. It is unlawful for any person to jump or swing from trees or other structures which cross or are adjacent to the swimming areas at the Pawnee Lake.
- C. It is unlawful for any person under age 16 to swim at Pawnee Lake except under adult supervision.
- D. Persons under age 13 must wear a U.S. Coast Guard approved personal flotation device of proper size and fit when in the water.
- E. It shall be unlawful for any person to operate a boat or personal water craft in the designated swimming areas.
- F. It is unlawful for a parent of a child or the guardian of a ward to authorize or knowingly to permit any such child or ward to violate any provision of this section.

Section 13.301. Offenses and Unlawful Actions.

The following acts shall be unlawful and an offense against the Ordinances of this City, punishable as hereinafter provided:

- A. It shall be unlawful for any person to fish, water ski, or operate a boat in the Pawnee Lake without having in their possession proper permits or licenses issued as provided in this Chapter.
- B. The game laws and fishing laws now existing, and as amended, of the State of Oklahoma relating to fishing or boating shall be applicable under this Chapter.
- C. It shall be unlawful for any fisherman to catch or take from said lake in any one day more fish than the

amount authorized by State law or regulation. Additionally, there shall be a limit of one black bass of not less than twenty-one inches-in length per day. Any black bass under twenty-one inches must be released. Penalty for violating black bass ordinance is One Hundred Fifty Dollars (\$150.00).

- D. It shall be unlawful for any person to drive or operate any motor boat North of a line to be marked by buoys as may be placed by an authorized representative of the City; provided that nothing herein shall be construed to prevent persons authorized to fish, while fishing, to operate such craft North of said line, at a reasonable rate of speed.
- E. It shall be unlawful for any person to deposit, place or throw unused bait such as minnows or small fish or other kind of bait into the waters of said lake.
- F. It shall be unlawful for any child under the age of sixteen (16) years to be upon lake property without such child being accompanied by his or her parents, guardian, or other adult chaperone in charge of said child.
- G. It shall be unlawful for any persons to be upon said lake, or upon lake property belonging to or under the control of the City while under the influence of illegal drugs or alcohol.
- H. It shall be unlawful to use or fire rifles or pistols upon the lake property; provided that law officers of the City or other law enforcement officers or persons authorized to lawfully carry side arms or other weapons shall be allowed to do so, and that said weapons or firearms shall be allowed in the area of the firing range provided for such purpose.
- I. It shall be unlawful for any person to swim at the city bath house pool except when opened under the direction of the city and/or its designated agent.

Section 13.401. Licenses and Permits.

- A. The following licenses and/or permits shall be issued at Pawnee City Hall, by the Camp Host, or designated representative of the Pawnee Lake for the privileges of fishing, boating, water skiing, and camping:
 - 1. All Water craft Permits (includes fishing, skiing, and jet skis)
 - i. Daily \$ 7.00
 - ii. Season \$ 40.00
 - 2. Camping Permits
 - i. Daily camping \$15.00
 - ii. Tent Areas (no water or electricity) \$10.00
 - 3. People over 65 or handicapped (with permit) will be given a discount of \$1.00 on the rates set forth in this Section.
- B. At the time of purchase of a camping permit, purchaser shall provide the caretaker or custodian of the Pawnee Lake with the following: vehicle's license

plate number, name, address, phone number, driver's license number and trailer number, if any. All camping permits shall be prominently displayed at all times on either the utility box at the campsite or in the windshield of the occupant's vehicle.

- C. The Camp Host or designated representative of the Pawnee Lake may designate certain campsites at the Lake as "premium campsites." Any camper occupying a premium campsite may not remain at such campsite for more than two consecutive weeks out of any four-week period.

Section 13.402. City Held Harmless.

Persons leaving boats or other equipment upon lake property shall do so at their own risk, and the City shall be held harmless for the loss or damage to any such boats and equipment.

Section 13.501. City Police Powers Extended.

The Police Powers of the City of Pawnee, Oklahoma, are hereby extended upon and over the Pawnee City Lake or reservoir, and all lands and premises owned or controlled by the City that surround the same. All offenses committed thereon and in violation of the provision of this Chapter, or any part thereof, shall be brought before the Municipal Judge of said City as are all other violations of City Ordinances.

Section 13.502. Suspension of Recreational Privileges by the Mayor and the City Council.

Upon a determination by the Mayor and City Council that in the interests of public health, safety, or welfare, that an emergency exists, the licenses, permits and privileges extended thereunder may be suspended for the period of such emergency.

Section 13.503. Use Regulations for Pawnee Lake.

The following rules and regulations shall apply for Pawnee Lake:

- A. Campsites shall be available on a first-come, first-served basis. Campsite must be occupied the first night and once every 24 hour thereafter. The maximum length of stay at a campsite designated as a "premium campsite" is 14 days.
- B. Dispersed camping outside of developed campgrounds is permitted. Camping in this manner is limited to 14 days and the site must be occupied once every 24 hours.
- C. In developed recreation sites, fires are allowed in fire rings and grills that are provided. Fires may otherwise be limited or prohibited at certain times.
- D. Gathering small amounts of dead and down wood for a campfire is permitted at Pawnee Lake. Any firewood gathered at Pawnee Lake must be used on site.
- E. Motorized vehicles shall be operated so as to not damage the land or vegetation or disturb the wildlife. Within campgrounds and other recreation site, cars, motorbikes, motorcycles, or other motorized vehicles shall be used only for entering or leaving, unless areas or trails are specifically marked for them.

- F. It shall be unlawful to block, restrict, or interfere with the use of roads or trails at Pawnee Lake. There shall be no unauthorized use of motorized vehicles in restricted areas nor on the sides of Dams.
- G. Pets are allowed in all areas except where otherwise posted. All pets at Pawnee Lake must be confined to a leash, cage or vehicle. Dogs may not be kept on a leash that is more than six feet in length.
- H. It shall be unlawful for unauthorized persons to carve, chop, cut or damage any live trees at Pawnee Lake.
- I. It shall be unlawful for an unauthorized person to enter buildings, structures, or enclosed areas at Pawnee Lake unless such building, structure, or enclosed area is expressly open to the public.
- J. Public vehicular use of gated roads at Pawnee Lake is prohibited.
- K. Garbage containers at Pawnee Lake shall only be used by Lake patrons.
- L. Faucets shall only be used for drawing water. Food and personal items shall not be washed near drinking water supplies.
- M. It shall be unlawful to throw garbage, litter, fish cleanings, or any other foreign substances in toilets and plumbing fixtures at Pawnee Lake.
- N. Gray water shall be disposed of in the dumpsites provided. It shall be unlawful to empty gray water onto the ground at Pawnee Lake

Section 13.601. Parks Defined.

All places heretofore owned by the City and used as parks are hereby declared to be public parks within the meaning of this chapter and are subject to all rules and regulations set out in this chapter.

Section 13.602. Discharging Firearms.

It shall be unlawful for any person to discharge a pistol or other firearm in any public park belonging to or under the control of the City.

Section 13.603. Defacing Parks.

No person shall write upon, mark, deface or in any manner deface any building, fence, or other property in any public park.

Section 13.604. Driving in Parks.

It shall be unlawful for any person to drive any motor vehicle, including motorcycles, upon the grass, footways or walks or elsewhere in a City park other than upon the roads provided for the use of such motor vehicles.

Section 13.605. Camping Unlawful.

It shall be unlawful for any person or persons or group to camp overnight in a City Park without obtaining prior permission of the Mayor through his designated representative.

Section 13.606. General Provisions to Apply.

All acts which have been declared to be offenses, misdemeanors, or unlawful by these Ordinances shall be applicable in the same manner when committed within any City Park, including the City Lake.

Section 13.607. Penalty.

Any person, firm, corporation or association violating any provision of this chapter shall be guilty of a misdemeanor punishable as provided in Section 14.103 of this Code. Provided further, that each day which such violation occurs shall be a separate and distinct offense.

Section 13.608. Possession of Glass Bottles on City Property.

It shall be unlawful for any person to possess glass bottles containing beverages or used for any other purpose in any City Park including the Pawnee Lake property.

Section 13.609. City Employee/Retiree Discounts.

City employees and retirees shall be given a 50% discount on existing camping fees under the following rules:

- A. Such employees/retirees are allowed such discount for a period up to two (2) weeks each month limited to only two (2) consecutive weeks for each occurrence. PROVIDED, such discounts shall not apply during the last two (2) weeks of the month and continuing during the first two (2) weeks of the following month and in such case such employees/retirees shall pay full price for the second consecutive two (2) week period.
- B. That campers of the age of 65 or over shall continue to receive the existing discount and the benefits enjoyed by members of Friends of Pawnee Lake shall continue in effect.
- C. In no event shall the City Employee discount be less than \$5.00 per night per camping location.

Section 13.610. Safety Helmets.

It shall be unlawful for any person to roller-blade or skate board on any city park without a safety helmet.

CHAPTER 14 – PENAL CODE

Section 14.101. Purpose of Penal Code.

It is the purpose of these Revised Ordinances to protect the general welfare, peace, health, safety and morals of the inhabitants of the City of Pawnee, Oklahoma, and every act which is prohibited by any of its provisions and every act which is required by any of its provisions as a condition to the exercise of any privilege, occupation, trade or pursuit are incorporated in the said Revised ordinances as being necessary to accomplish this end, and no provision found therein is for any other purpose.

Section 14.102. Offense.

The doing of any of the acts or things prohibited, declared unlawful, or the failing to do any of the acts or things commanded to be done as more fully specified and set forth in these Revised Ordinances is hereby declared to be an offense against the good order, public peace, morals, health and safety of the City.

Section 14.103. Offense – Penalty.

Each and every person who shall commit an offense as herein defined or an act which is declared unlawful shall be fined not less than One dollar (\$1.00) nor more than Forty dollars (\$40.00), including costs in the case upon each and every conviction. The intent of this section is to provide a punishment for each and every act or omission to act which by the provisions of the Revised Ordinances is declared to be unlawful or an offense. The provisions of this Section shall not apply where a specific penalty is prescribed fully and completely.

Section 14.104. Definition.

The word "person" whenever used in the Revised Ordinances of the City shall be held to mean and include natural persons of either sex, associations, co-partnerships and corporations, whether acting for themselves or as agents, servants or employees.

Section 14.105. Incapacity.

All persons are capable of committing an offense as herein provided, except those belonging to the classes provided by statute as incapable of committing crimes.

Section 14.106. Intoxication – Effect.

No act committed by any person while in a state of voluntary intoxication, either from liquors or drugs, shall be deemed less an offense by reason of his being in such condition.

Section 14.107. Aiding and Abetting.

All persons who actively participate in any manner in the perpetration of an offense, or who command, direct, advise, encourage, aid or abet in its commission, are jointly and severally guilty of the offense of aiding and abetting in the commission thereof.

Section 14.110. Duty to Assist Marshal.

It shall be unlawful for any person within the corporate limits of the City who shall be, at any time, called upon by the Marshal, policeman or other ministerial officer in the

discharge of his duty to refuse, neglect or delay to apprehend and detain or refuse to assist in apprehending and detaining any person or persons charged with or convicted of any criminal offense against any of the Ordinance rules or laws in force and effect in said City or refuse to assist to secure such offender to prison or other place of security as required by such officer in a lawful manner.

Section 14.111. Obstructing the Marshal.

It shall be unlawful to obstruct the Marshal or any of his deputies or any other officer of the City of Pawnee in the lawful discharge of his official duties; or to seek to intimidate any such officer by threats or otherwise, from the discharge of his official duty.

Section 14.113. False pretense of Official Authority.

It shall be unlawful for any person to falsely represent himself to be an officer of this City or to exercise or attempt to exercise any of the duties, functions or powers of a City officer without being duly authorized to do so.

Section 14.116. Neglect of Official Duty.

It shall be unlawful for any officer of the City to willfully, wantonly, and knowingly neglect, refuse or fail to discharge any of the duties required of him by the Ordinances of the City.

Section 14.201. False Alarm of Fire.

It shall be unlawful and an offense for any person, without reasonable cause, to make circulate or cause to be made or circulated any false alarm or fire within the corporate limits.

Section 14.202. Location of Slaughterhouses.

It shall be unlawful and an offense for any person to maintain a slaughterhouse within the limits of the City as provided by State law.

Section 14-203. Distributing Circulars.

It shall be unlawful and an offense for any person, company or corporation, to throw, leave or deposit or cause to be thrown, left or deposited upon any street, avenue, alley or sidewalk, public square, public enclosure, lot, vacant or occupied, any paper, circular, newspaper, letter or handbill or anything that is liable to be blown about by the wind.

Section 14.205. Bogus Check.

It shall be unlawful for any person to draw, utter, transfer or offer to any person any check or other negotiable instrument, demand or written order in any sum not exceeding Twenty dollars (\$20.00) addressed to any bank or banking institution, when such person has reasonable grounds to know or does know that he has not on deposit with such bank or banking institution sufficient funds out of which such bank or banking institution should properly pay such check, negotiable instrument, demand or other written order. Provided; the person issuing, uttering, drawing, executing or writing any instrument above mentioned shall prima facie be deemed at all times to know whether or not any bank or banking institution has on hand funds with which to pay such check, demand or other negotiable instrument or order.

Section 14.206. Itinerant Vendors.

It shall be unlawful for any itinerant vendor or other person, to practice or to display or offer for sale or to sell any of his goods, wares, medicines, tricks, devices or merchandise of any description whatsoever, any where upon any of the streets or alleys of the City, unless permission is first obtained from the Mayor and Council.

Section 14.207. Deceit and Fraud.

Deceit is hereby defined to mean any willful representation of the existence of any fact or circumstance which in truth does not exist, by which representation one person procures from another something of value not exceeding in value the sum of Twenty dollars (\$20.00), to the injury of the person on whom such deceit is practiced. Fraud within the contemplation of this Ordinance is hereby defined to mean any willful and misleading representation in writing of any false statement in writing made or signed by the person with the intent that such representation or statement shall be relied upon by any other person, whereby the former procures anything of value from the person to whom such representation is made, or whereby any person directly or indirectly is caused to suffer any financial loss by relying or acting upon or receiving, buying, accepting or uttering such representation or statement. Anyone who commits any act of deceit or fraud in the City is guilty of an offense and upon conviction shall be punished as in this Chapter provided.

Section 14.301. Assault and Battery.

It shall be unlawful for any person to commit any assault or offer to attempt with force or violence to do any bodily injury to another or to commit an assault or battery or both on the person of another.

Section 14.302. Defacing Property.

It shall be unlawful and an offense for any person to break, mark, scratch, cut or otherwise deface or, injure any building or awning or other thing connected with any building or to remove, throw or lay down or deface any fence enclosing or partly enclosing any lot or parcel of ground owned or occupied by another within the corporate limits of the City.

Section 14.303. Injury to Shade Trees.

It shall be unlawful and an offense for any person to cut, break or in any manner injure or destroy any trees planted, standing or growing, by natural or artificial growth or otherwise, upon any street, avenue, alley or parking or other public place within the corporate limits of the City or to cut, break or in a y manner injure or destroy any fruit trees, shade or ornamental trees, vines, shrubbery or bush whatever, the property of another.

Section 14.304. Petit Larceny Unlawful.

Petit larceny is the taking, accompanied by fraud and stealth of property within the City limits and with the intent to deprive the owner thereof, when such property is of the value of Twenty dollars (\$20.00) or less. Such petty larceny shall be unlawful.

Section 14.305. Receiving Stolen Property.

It shall be unlawful and an offense for any person to buy or receive within the City, in any manner, upon consideration, any personal property of the value of Twenty dollars (\$20.00) or less, that has been stolen from another, knowing the same to have been stolen.

Section 14.306. Fowl at Large.

It shall be unlawful and an offense for an owner, keeper, possessor or custodian of any chicken, duck, goose, turkey, pigeon or any other domestic bird or fowl, to permit or suffer the same to be or run at large or to trespass upon the premises of another, and any bird or fowl so at large or trespassing shall not be under the protection of the law.

Section 14.307. Animals at Large.

It shall be unlawful and an offense for the owner, keeper, possessor or custodian of any horse, cow, sheep, swine, goat or other domestic animal to suffer or permit the same to be or run at large or trespass upon the premises of another.

Section 14.308. Vehicle Obstruction.

It shall be unlawful and an offense for any person to park or leave any vehicle of any kind upon the public highway, street or alley within the corporate limits of the City so as to hinder or obstruct the free use of such highway, street or alley, provided, that nothing herein contained shall prevent the proper use, parking or leaving of any vehicle upon or along the public highways, streets or alleys of the City as allowed in the City Ordinances or by law.

Section 14.309. Games on Street.

It shall be unlawful and an offense for any person to engage in any game, sport, amusement or exercise upon and within any street, avenue, or alley within the City which is likely to impede the passage of vehicles in the said streets, avenues or alleys or to injure passers by.

Section 14.310. Bicycles on Sidewalks.

It shall be unlawful and an offense for any person to ride any bicycles, skateboards, rollerblades or rollerskates on, over or along any downtown sidewalk within the City along Illinois street from 5th to 7th and Harrison street from 4th to 7th and all sidewalks in between.

Upon conviction of said violation, a fine shall be imposed not to exceed the maximum authorized under Section 14.103 of these ordinances.

Section 14.311. Burning Trash.

It shall be unlawful and an offense for any person to burn trash, lumber, leaves, straw or any other combustible material in any street, alley, or vacant lot, except by special permission of the fire chief, and such burning shall otherwise comply with state laws concerning clean air and/or prohibitions against pollution of the air.

Section 14.312. Trash on Streets.

It shall be unlawful for any person to, in the said City, put, place or leave any offensive trash, barrel, or utensil upon - any sidewalk, street, alley or, public place in the city or permit the same to remain upon the sidewalk, street, alley or highway in front of or abutting upon any premises

owned, controlled or occupied by said person, or in which such person is agent or employee of another.

Section 14.313. Shows on Streets.

It is hereby made unlawful and an offense for any person to maintain or exhibit any circus or carnival or animal show, or to give any concert or show for profit, upon any street or alley of said City, unless permission of the Mayor and Council, for that purpose, is obtained.

Section 14.314. Sale of Merchandise on Streets and Residential Property.

No person shall themselves or by his agent use any portion of the street for the sale or advertising of any merchandise or character whatsoever, except "Farmers market goods". And, no person shall use their residence for the purpose of holding outdoor flea market, garage, or yard sales of used personal or household goods for a period of more than (4) days in a consecutive (30) day period.

Section 14.316. Excavations on Street Guarded.

All construction or excavations upon the front side of any lot adjoining the street or avenue or alley or under any sidewalk of the City, shall be securely and properly protected by the person or persons having the care of the same, so as to prevent the same from being or becoming dangerous to life or limb. Failure to do so shall be an offense.

Section 14.317. Obstruction of the Streets.

It shall be unlawful and an offense for any person to obstruct or encumber by fence, boxes, stands, structures, or otherwise in any manner to obstruct any of the public highways, alleys, roads, streets, sidewalks or crosswalks within the City. Provided, that nothing herein contained shall prohibit the loading or unloading of any goods or material whatever without needless delay. It shall be the duty of the police having knowledge of such violation to notify the person so offending, if he can be found, to immediately remove such obstruction or encumbrance placed or made by him upon any public highway, street, alley, sidewalk, road or cross-section; if such person does not immediately remove such obstruction or encumbrance or if such person cannot be immediately found, then such marshal or deputy shall remove such obstruction or encumbrance.

Section 14.318. Concealed Weapons.

It shall be unlawful and an offense for any person in the City to carry concealed or otherwise about his person or in his possession any pistol, revolver, bowie knife, sling, bolt, brass knuckles or other dangerous or deadly weapons, provided, that this shall not apply to persons duly authorized by any of the laws of the United States or any sub-division thereof to so arm themselves while in the discharge of such duties as are imposed upon their respective offices.

Section 14.318. Concealed Weapons.

It shall be unlawful and an offense for any person in the City to carry concealed or otherwise about his person or in his possession any pistol, revolver, bowie knife, sling, bolt, brass knuckles or other dangerous or deadly weapons, or for any person to focus, point or shine a laser beam directly

or indirectly on another person or animal, provided, that this shall not apply to persons duly authorized by any of the laws of the United States or any sub-division thereof to so arm themselves while in the discharge of such duties as are imposed upon their respective offices.

Upon conviction of said violation, a fine shall be imposed not to exceed the maximum authorized under Section 14.103 of these ordinances.

Section 14-319. Pointing Laser Prohibited.

It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to: harass, annoy, or frighten said person or animal, or persons around or about said person or animal.

Upon conviction of said violation, fine shall be imposed not to exceed the maximum authorized under Section 14.103 of these ordinances.

Section 14.320. Discharging Firearms.

It shall be unlawful and an offense for any person within the City to discharge any gun, pistol or firearm unless otherwise authorized by law or ordinance.

Section 14.321. Disturbing or Disrupting Assembly.

It shall be unlawful and an offense for any person or persons within the City to willfully disturb, molest or disrupt any literary society, school or civic club or other society of whatsoever name or denomination, formed for the intellectual or social improvement of its members or to willfully disturb, molest or interrupt any board of elections, official boards of churches, schools or state or its sub-divisions, political meetings or any other lawful assembly of people.

Section 14.322. Dynamite, Explosives and Nitroglycerin.

It shall be unlawful and an offense for any person to keep or bring into or within the City limits any dynamite, explosives, or nitroglycerin, with intent to unlawfully destroy property or do injury to persons.

Section 14.323. Cruelty to Animals.

It shall be unlawful and an offense for any person to beat, injure, maim or treat in an immoderate or cruel manner, any horse, cow, dog, cat, or other domesticated animal, whether belonging to himself or another.

Section 14.324. Affray.

It shall be unlawful and an offense for any person to, in the City of Pawnee, engage in any affray or any assemblage of three (3) or more persons for unlawful purposes or to gather together and conduct themselves in a disorderly, boisterous, riotous or threatening manner. A refusal of any person or persons on such occasions to disperse when commanded to do so by any magistrate, peace officer, or any public officer, shall be an offense.

Section 14.325. Disturbing the Peace.

It shall be unlawful and an offense for any person in the City of Pawnee to willfully disturb the peace and quiet or

the City of any family, neighborhood or person by rude or indecent behavior or disorderly conduct, obscene, profane, indecent or abusive language, or by any noisy boisterous talk, or other means or in any manner to disturb the peace and quiet of the public.

Section 14.326. Disorderly Conduct.

- A. Any person who shall conduct himself in a riotous manner, or who shall openly use profane, indecent or threatening language, signs, or symbols, or who shall be guilty of any lewd or lascivious conduct in public, or who shall commit any nuisance upon any street, alley, sidewalk, or other public place in the City of Pawnee shall be deemed guilty of an offense.
- B. "Threatening language" includes threats to kill, threats to do bodily harm or injury, threats to destroy the property of another, the issuance of challenges to fight or the brandishing of firearms, or language likely to incite a breach of peace or an assault.
- C. Any person violating any of the provisions herein shall be deemed guilty of an offense and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00).

Section 14.401. Gambling.

Every person who deals, plays or carries on, opens or causes to be opened or who conducts either as owner or employee, whether for hire or not, roulette, craps or other banking or percent game played with dice or any device for money, checks, credit or any representative of value is guilty of an offense and upon conviction shall be punished accordingly.

Section 14.402. Participating.

It shall be unlawful and an offense for any person to bet or play at any of the prohibited games mentioned in any of the Ordinances or prohibited by law.

Section 14.403. Gambling House.

It shall be unlawful and an offense for any person to bet or play or carry on, open or conduct or cause to be or assist in any way to open or conduct any gambling house, place or hall, or to in any manner participate in any of the games played therein.

Section 14.404. Smelling or Inhaling of Glue or Other Substance.

- A. Prohibition: 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. Exemptions: The provisions of subsection A of this section shall not pertain to:
 - 1. 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; or

- 2. The consumption of intoxicating liquor thereof containing solvents releasing toxic vapors with the intent to cause conditions of intoxication, inebriation, excitement, elation, stupefaction, paralysis, irrationality, dulling of the brain or nervous system, or any other changing, distorting or disturbing of the eyesight, thinking process, judgment, balance or coordination of such person

- C. Penalty: Violation of the provisions of this section shall be subject to penalty as provided in section 14.103 of this code.

Section 14.405. Drunkenness and Drinking in Public Place.

- A. It is unlawful for any person drunk, or in a state of intoxication, to appear or be upon or in any street, alley, place of business, or other public place; or for any person to drink intoxicating liquor or beverage upon or in any street, alley or other public place within the city.
- B. It shall be unlawful for any person to possess or have in his control an open container of alcoholic beverage while such person is upon any public street, highway, alley, thoroughfare, right of way, sidewalk, or upon, about or within any public place or building within the city.
- C. It shall be unlawful for any person under the age of twenty-one (21) years to have in his possession or control any alcoholic beverage or any intoxicating alcoholic beverage.

Section 14.501. Sale, Purchase, Possession, and Use of Fireworks.

- A. Definitions: The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrocketes, roman candles, dago bombs, sparklers or other fireworks or like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States interstate commerce commission regulations for packing and shipping of toy paper caps are used and toy pistol caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, or apply to the military or naval forces of the United States or of this state, or to peace officers, or to prohibiting the sale or use of blank cartridges for ceremonial, theatrical or athletic events.

- B. Consumer fireworks (Class 1.4G) may be discharged if the following conditions are met:
1. No City, County or State burn ban is currently in effect
 2. Discharge occurs on private property or as indicated in the permit.
 3. An adult who is the responsible party is present at all times during discharge and removal/extinguishment of debris
 4. Discharge occurs on July 3rd, 4th or 5th between the hours of noon and 11 p.m.
 5. Discharge occurs on December 31st from 11:30 p.m. until 12:30 a.m. on January 1st.
 6. Discharge occurs on a non-combustible surface and a safe distance from any property that would pose a risk of injury, property damage or unintended fire. Ready access to water hose, bucket of water, or fire extinguisher shall be available during discharge of fireworks.
 7. Responsible party must ensure all debris is removed and extinguished in a safe manner.
- C. Distance To Specific Facilities; State Imposed Burn Ban: The use of fireworks within the corporate limits of the city is hereby prohibited within three hundred feet (300') of any school, church, public building, nursing home, medical facility, service station, convenience store or any facility selling and dispensing petroleum products, and from within three hundred feet (300') of any commercial business and at any location within the corporate limits of the city during a state imposed burn ban.
- D. Bottle Rockets Prohibited: The use of pop bottle rockets within the corporate limits of the city is expressly prohibited at all times.
- E. Public Displays; Applicability; Permit:
1. Applicability: Nothing in this chapter shall be constructed as applying to the purchase, sale, possession or use of fireworks for public display by holders of a permit for the public display, to be conducted in accordance with the rules and regulations herein specified.
 2. Permit Required: Public displays may be performed only under competent supervision and after the persons or organizations making such displays shall first apply for and receive a written permit from the city commission.
 3. Application For Permit: Such application shall be made at least ten (10) days in advance of the proposed display, and shall show the location, who is to shoot the show and the name of the display distributor who is to furnish the merchandise, and shall bear the signed approval of the chief of police and the fire chief.
- F. Dates Sale and Purchase Permitted: The sale and purchase of fireworks is permitted within the city from June 15 through July 6.
- G. Qualifications of Applicant and Licensee: No licensee, applicant or owner shall have been convicted of a felony or of violating any of the firearm laws of the United States or the state, or any other state, within two (2) years immediately preceding the date of application.
- H. Application for Sales License:
1. Requirements: An applicant for a fireworks sales license shall deposit the required fee with the city clerk and submit an application on the form provided, containing the following information:
 - i. The names of all persons interested in the business, together with their addresses and, if a corporation, the name of the managing officer.
 - ii. The location of the proposed business.
 - iii. The date and number of the permits from the Oklahoma tax commission if required by law.
 - iv. Any and all other information as may be requested by the city clerk.
 2. False Information Grounds For Denial: Any person submitting false information in the application for a license shall be guilty of an offense and such an act shall be grounds for denial of the application.
- I. Fee For License; Separate License Required:
1. Annual Fee: The annual license fee for a fireworks sales license under this chapter shall be as established by resolution of the city commission, said sum having been determined by the city commission to be consistent with the expense of the inspecting and policing establishments which sell fireworks.
 2. Separate License: Separate licenses must be obtained for each branch or separate establishment operated and selling fireworks, and each license shall authorize the operation of an establishment for the sale of fireworks only at the location described in the license.
- J. Display of License: Every establishment engaged in the sale of fireworks shall place and exhibit its license at all times in a conspicuous place on the premises.
- K. Penalty: Any person violating any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty not to exceed the sum of \$500.00. Each violation committed or permitted to continue shall constitute a separate offense.

Section 14.502. Exploding Fireworks.

REPEALED

Section 14.503. Exception.

REPEALED

Section 14.504. Fireworks Displays. Inspections and Permits.

- A. An individual or entity shall have the appropriate Oklahoma license or permit to conduct an outdoor fireworks display.
- B. Applications for permits for display fireworks along with the required fee shall be submitted in writing to the City at least ten (10) days prior to the date of display. Every display shall be under the direction of a competent, responsible, licensed outdoor display operator, of legal age, and shall be conducted under the code of regulations as adopted by the State Fire Marshal Commission. The individual or entity applying for a permit shall submit evidence of a general liability insurance policy in an amount of not less than One Million Dollars (\$1,000,000.00). Before a permit is granted the Fire Chief, or his designee, shall inspect and approve or reject the site of the display. A permit issued pursuant to this Section shall not be transferable.
- C. Any person, firm, corporation, association, or operator who shall violate the provisions of this Section, shall be guilty of an offense, and shall be punishable by a fine up to Five Hundred Dollars (\$500.00).

Section 14.601. Definition – Minor.

For the purpose of this article the following word is defined: "Minor" shall mean any person below the age of eighteen (18) years.

Section 14.602. Curfew for Minors.

It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or places of business and amusement in this City between the hours of 12:00 o'clock midnight and 5:30 o'clock A.M. of the same day, official City time.

Section 14.603. Exceptions to Curfew.

The restriction provided by Section 14.602 of this Chapter shall: not apply to any minor who is accompanied by a guardian, parent, nor shall the restriction apply to any minor who is traveling between his home or place of residence and the place where any approved church, municipal or school function is being held. But these exception shall not apply when a minor is playing or unnecessarily loitering in or upon enumerated public or private places even though he is accompanied by a parent, guardian or other person charged with the minor's care and custody.

Section 14.604. Responsibility of Adults and Places of Business and Amusement.

It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business or amusement or other public places within the curfew hours set by Section 14.602 of this Chapter, except as provided in Section 14.603 of this Chapter.

It is unlawful for any person, firm, or corporation operating a place of business or amusement to allow or permit any minor to be in or upon any places of business or amusement operated by them within the curfew hours set by Section 14.602 of this Chapter, except as provided by Section 14.603 of this chapter.

Section 14.605. Penalty for Violation.

Every person who shall be guilty of violating the foregoing curfew sections shall be punished as provided in Section 14.103 of this Chapter.

Section 14.701. Prohibition Against Truck Parking in Residential Areas.

It shall be unlawful for any trucks, trailers or other vehicles, weighing in excess of five thousand (5,000) pounds to be parked on any public street in any residential area of the City.

Section 14.702. Prohibition Against Vehicles in Excess of Twenty-four (24) Feet Parking in Residential Areas.

It shall be unlawful for any trucks, trailers or other vehicles, exceeding twenty-four (24) feet to be parked on any public street in any residential area of the City.

Section 14.703. Penalty.

Any person, firm, corporation, association or operator who shall violate the provisions of this Ordinance, shall be guilty of an offense, and upon conviction thereof, shall be punishable by a fine and costs not to exceed the sum of Forty Dollars (\$40.00). Each day...

...shall be guilty, upon conviction of the misdemeanor of larceny of cable television service or tampering with cable service, which offenses are punishable by a fine of Forty Dollars (\$40.00) plus costs.

Section 14.707 through 14.709. Adoption by Reference.

Section 1: Section 14.707 of Chapter 14 of the 1994 Revised Ordinances of the City of Pawnee, Oklahoma, is hereby enacted to read as follows:

Title 37 of the Oklahoma Statutes Annotated as it relates to misdemeanor offenses is hereby adopted by reference.

Section 2: Section 14.708 of Chapter 14 of the 1994 Revised Ordinances of the City of Pawnee, Oklahoma, is hereby enacted to read as follows:

Title 47 of the Oklahoma Statutes Annotated as it relates to misdemeanor traffic offenses is hereby adopted by reference.

Section 3: Section 14.709 of Chapter 14 of the 1994 Revised Ordinances of the City of Pawnee, Oklahoma, is hereby enacted to read as follows:

Title 63 of the Oklahoma Statutes Annotated as it relates to misdemeanor offenses is hereby adopted by reference.

Section 14.710.

It shall be unlawful for any person to place or discard any trash or litter on any property or city streets within the city

limits of the City of Pawnee. Also to be included: garage sale signs not collected within 24 hours of the day or date listed on said sign.

Section 14.711.

Any person who shall violate the provisions of this Ordinance, shall be guilty of an offense, and upon conviction thereof, shall be punishable by a fine and costs not to exceed the sum of Two Hundred Dollars (\$200.00).

Section 14.712.

Each resident of this city and each property owner thereof shall place and keep in a conspicuous place, on the front of the house, in plain legible figures not less than three (3) inches high, the official number of the house according to the system of numbering on record in the office of the City Clerk.

Section 14.713.

Any person or owner of any such property who shall fail, neglect or refuse to properly number a residence or place of business or any houses owned by any such person according to the terms of this chapter, shall be punished as provided in Section 14.103 of this code.

Section 14.714. Permitting or Allowing Gatherings Where Minors are Consuming Alcoholic Beverages.

A. Definitions: For purposes of Section 14.714, 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 (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 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 (3.2%) alcohol by weight.
5. "Legal Guardian" means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.
6. "Low Point Beer" means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

7. "Minor" means any person under twenty-one 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.
- B. Consumption of Alcohol by Minor in Public Place, Place Open to Public, or Place Not Open to Public
- C. 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.
- D. Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcohol Beverages Prohibited
1.
 - i. It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to 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.
 - ii. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (a) (1) of this Section.
 2. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

3. Nothing in this Section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to 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.
4. Nothing in this Section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering 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.
5. This Section shall not apply, to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.
6. Penalty. 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 with fine of Two Hundred Dollars (\$200.00), plus all court costs against any adult in violation hereof. Violation of any provision by a minor shall be referred to the proper juvenile authorities as in (g) hereof
7. Reservation of Legal Options. Violations of this Section may be prosecuted by the City of Pawnee as provided by the Municipal Penal Code against any adult, provided, however, as to any violation by any minor, as in other non-traffic offenses, by referral to juvenile authorities as currently in effect. This Section shall not limit the authority of peace officers 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.
8. Local Authority. This Section shall not apply where prohibited or preempted by state or federal law.

Section 14.715. Trespass Upon Land Forbidden.

- A. It is unlawful within the corporate limits of the City for anyone to willfully or maliciously enter the property of another, after having been expressly forbidden to do so by the owner or occupant thereof. It is further provided that anyone who willfully or maliciously enters the property of another and therein commits or attempts to commit waste, theft, damage, or any other crime shall be deemed guilty of trespassing on property in violation of the provisions of this section.
- B. It is unlawful for anyone to enter the City Shooting Range unless the person is a member of the City Shooting Range and is in possession of his or her membership card, or unless the individual has written authorization from the Mayor or the Mayor's designated representative.

CHAPTER 15 – PLANT AND EQUIPMENT

Section 15.101. Plant and Equipment of City.

The City shall be authorized to construct, operate and maintain such physical plant and equipment as is necessary to:

- A. Provide water for the residents of the City and such other persons as it may deem appropriate;
- B. Provide sanitary sewer services for the residents of the City and such other persons as it may deem appropriate;
- C. Provide and furnish electricity to consumers in the City and such other persons as it may deem appropriate;
- D. Establish and maintain a City airport;
- E. Establish and maintain a City library;
- F. Construct and maintain a City hospital;
- G. Establish, construct and maintain such other public facilities as are in the best interests of the City and citizens thereof;
- H. Create and maintain Public Trust Authorities;

and the City shall be authorized to pass Resolutions, enact such Ordinances and issue such bonds; upon following procedures and requirements of the laws of this State, as are necessary to provide, construct and maintain any such services.

Section 15.201. Establishment of Board of Cemetery Trustees.

There is hereby established in the City of Pawnee, Oklahoma, a Board of Cemetery Trustees to be hereafter known and designated as "Board of Cemetery Trustees of Highland Cemetery"

Section 15.202. Appointment and Terms of Members.

The members of the Board of Cemetery Trustees shall be appointed by Resolution of the City Council of the City of Pawnee, Oklahoma, and shall serve terms of six (6) years each; provided, the initial Board of Trustees shall be appointed so that one member designated in the Resolution of Appointment shall serve for two (2) years, one shall serve for four (4) years and the other shall serve for six (6) years. That after the initial appointment each new board member shall be appointed for a six (6) year term. In the event of a vacancy in the Board of Trustees, the City Council shall appoint another board member to serve the unexpired term of such vacant office.

Section 15.203. Functions of Board.

The said Board of Cemetery Trustees shall have charge of and control of the cemetery for such City or Town and shall be authorized to make rules and regulations governing the management, improvement and establishment of the said cemetery, and shall be authorized to recommend to the City Council the price for which lots shall be sold and fees to be charged for interment.

Section 15.204. Deposit of Funds.

It shall be the duty of the City Clerk of the City of Pawnee, Oklahoma, to receipt for all money received from the sale of lots or from interments, or any other source and to deposit such funds with the City Treasurer as a cemetery fund, and such Treasurer, on the order of the City Council, shall draw such funds in payment of the upkeep of the cemetery.

Section 15.205. Records.

The City Clerk shall maintain records that will at all times reflect the lots sold, interments made, and all moneys received and expended in and about said cemetery.

Section 15.206. The Cemetery Fund.

When any lots are sold or charges made for interment, not less than twenty-five (25%) of all money received from the sale of the lots and interments shall be segregated and set aside as a permanent fund to be known as the "Cemetery Care Fund", such fund to be expended in purchasing lands for cemeteries when the same is necessary therefore, and the balance is to be invested as hereinafter provided, and the interest only to be used in improving, caring for, and embellishing the lots, walks, drives, parks and other necessary improvements on such cemetery.

Section 15.207. Investment of Funds.

The City Council may, by proper resolution, order the investment of the moneys received in "The Cemetery Fund" in any authorized investment.

Section 15.208. Authorized Investments.

Authorized investments shall be direct obligations of the United States Government to the payment of which the full faith and credit of the government of the United States or of the State of Oklahoma is pledged; or certificates of deposit of banks when such certificates of deposit of other public moneys; or in savings accounts or savings certificates of savings and loan associations to the extent that such an account or certificates are fully insured by the Federal Savings and Loan Insurance Corporation.

Section 15.209. Donations or Bequests.

The City Clerk is authorized to accept and receipt for donations, deposits or bequests made in trust for special care of specified lots, monuments or mausoleums, and such donations, deposits or bequests shall be maintained as a separate account to be designated "Perpetual Care Fund". The funds in such trust account shall by the City Council be invested in a like manner as the Cemetery Care Fund", but a separate account shall be kept of each amount so deposited, donated and bequeathed, and only the interest derived from the fund shall be used in the care, maintenance and repair of such lots, monuments and mausoleums, unless otherwise specified by the donor.

Section 15.210. Purchasing Additional Cemetery Land.

All monies received by the Board of Cemetery Trustees from the sale of lots or from interments or from any other source shall be paid daily to the municipal treasurer, who shall deposit the same in the municipal treasury. Expenses incurred for the upkeep,

repair, and adornment of the municipal cemetery may be paid by the municipal treasurer upon proper warrants.

Section 15.211. Conveyance of Lots.

All lots in the cemetery shall be conveyed by a certificate signed by the Mayor of the City of Pawnee, Oklahoma, counter-signed by the City Clerk, and with the seal the City affixed, showing the price for which the lots were sold and specifying that the person to whom it is issued is the owner of the lots described therein by number, as laid down on the plat, for the purpose of interment. Such certificates shall vest in the purchaser and his heirs a right in fee simple to such lots for the sole purpose of interment, under the regulations of the Council and the Board of Cemetery Trustees.

Section 15.212. Price of Lots – Opening and Closing Graves.

The Mayor and City Clerk of said City of Pawnee are hereby authorized to sell burial lots in Highland Cemetery at the price of Three Hundred Fifty Dollars (\$350.00) each, which shall be Two Hundred Fifty Dollars (\$250.00) per lot and a charge of One Hundred Dollars (\$100.00) for upkeep of graves, for a total of Three Hundred Fifty Dollars (\$350.00) each. The price for opening and closing graves shall be Three Hundred Fifty Dollars (\$350.00) when prepared on Monday through Friday and when prepared on Saturday or any established City holiday Five Hundred Fifty Dollars (\$500.00). There shall be no charge for interments. All markers or other stones shall be uniformly placed at the head of each grave.

Section 15.213. Costs of Opening and Closing Graves for Cremation Remains.

There is hereby established a fee of \$150.00 for Monday through Friday opening and closing of graves for cremation remains. A fee of \$300.00 shall be established for Saturdays, Sundays or legal holidays; said fees shall be collected by the City Clerk.

CHAPTER 16 – SALES TAX

Section 16.101. Citation and Codification.

This Ordinance shall be known and may be cited as Pawnee Sales Tax Ordinance and is hereinafter referred to as "Ordinance" or "Title".

Section 16.102. 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 Ordinance hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

Section 16.103. Effective Date.

This Ordinance shall become and be effective on and after February 1, 1967, subject to the approval of a majority of the registered voters of Pawnee voting on same in a manner prescribed in 11 O.S. 1961 §61.

Section 16.104. Purpose of Revenues.

It is hereby declared to be the purpose of this Title to provide revenues for the support of the functions of the municipal government of Pawnee.

Section 16.105. Tax Rate – Sales Subject to Tax.

There is hereby levied an excise tax of one percent (1%) 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:

- A. Tangible personal property.
- B. Natural or artificial gas, electricity, ice, steam, or any other utility or public service, except water.
- C. Transportation for hire or persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire.
- D. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message.
- E. Printing or printed matter of all types, kinds and characters and the service of printing or overprinting.
- F. Service of furnishing rooms by hotels, apartment hotels, public rooming houses and public lodging houses and tourist camps.
- G. Service of furnishing storage or parking privileges by auto hotels and parking lots.
- H. 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.

- I. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except as provided in subsection (N) of Section 16.106 hereof.
- J. Dues or fees to clubs, and the sale of tickets or admission to places of amusement, to athletic, entertainment, recreational events, or dues or fees for the privilege of having access to or the use of amusement, entertainment, athletic or recreational facilities, including free or complimentary passes, tickets, dues or fees are hereby declared to have a value equivalent to the sale price of the tickets, passes, admissions, fees or dues of like kind or character.
- K. For the purpose of this Title, sales of services and tangible personal property made for the purpose of developing real estate even though such real estate is intended for resale as real property, are hereby declared to be sales to consumers or users. Sales of service and tangible personal property, including materials, supplies and equipment made to contractors who use same in the performance of any contract, are hereby declared to be sales to consumers, or users and not sales for resale. Sales of tangible personal property to persons who are primarily engaged in selling their services shall be deemed sales to consumers or users and, therefore, taxable. Sales of tangible personal property to peddlers, solicitors and other salesmen who do not have established places of business shall be deemed to be sales to consumers or users, and, therefore, taxable.

Section 16.106. Exemptions.

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

- A. Sale of non-intoxicating beverages taxed as provided by State law.
- B. Sale of cigarettes and such tobacco products as are taxed by State law.
- C. Sale of raw products from the farm, orchard or garden, where such sale is made by the producer of such raw products directly to the consumer or user; gross receipts or gross proceeds derived from the sale of livestock, poultry, poultry products, and dairy products by the producers; exemptions granted by this subdivision shall not apply when such articles are sold, even though by the producer thereof, at or from an "established business place" not on a farm; neither shall this exemption apply unless said articles are produced or grown within the State of Oklahoma. The provisions of this subsection are intended to exempt the sale by livestock producers of livestock sold at special livestock sales. The provisions of this subdivision are intended to exempt the sale of dairy products when sold by a dairyman or farmer who owns all of the cows from which the dairy products he sells are produced. The provisions of this subdivision shall not be construed to exempt sales by florists, nurserymen and chicken hatcheries.

- D. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members, thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and, provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members.
- E. Sale of tangible personal property or services to or by churches, except where such organizations may be engaged in business for profit or savings, competing with other persons engaged in the same or similar business.
- F. Gross receipts and gross proceeds deriving from the transportation of school children to and from schools and high schools in motor and other vehicles.
- G. Transportation of persons where the fare of each person does not exceed fifteen cents (\$.15), or local transportation of persons within the corporate limits of cities and towns except by taxicabs.
- H. Sale of food in public, common, high school or college cafeterias and lunch rooms operated primarily for the teachers and pupils, not operated primarily for the public and not operated for profit.
- I. Carrier sales made directly to consumers or users of newspapers or any other periodicals where any individual transaction does not exceed twenty-five cents (\$.25).
- J. Sales to the United States Government, State of Oklahoma, or any of its political subdivisions.
- K. Sale of gasoline or motor fuel on which the Motor Fuel Tax, Gasoline Excise Tax or Special Fuels Tax has been paid to the State of Oklahoma.
- L. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax under the provisions of the laws of this State. This exemption shall not apply when such products are sold to a consumer or user for consumption or user except when used for injection into the earth for the purpose of promoting or facilitating the productions of oil and gas.
- M. Sales of motor vehicles, attached optional equipment and accessories on which sale the Oklahoma Motor Vehicle Excise Tax has been paid.
- N. Sales by County, District and State Fairs.
- O. Sale of advertising space in newspapers and periodicals and billboard advertising service.
- P. Sales for resale to persons regularly engaged in the business of reselling the articles purchased whether within or without the State, provided that such sales to residents of this State are made to persons to whom Sales Tax Permits have been issued by the Oklahoma Tax Commission as provided by law. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to the sales of tangible personal property to peddlers, solicitors and other salesmen who do not have Sales Tax permits or established places of business.
- Q. Goods, wares, merchandise, and property sold for use in manufacturing, compounding, processing, assembling or preparing for sale shall be classified as having been sold for the purposes of resale or the subject matter of resale only in the event:
1. Such goods, wares, merchandise, or property are purchased for the purpose of being manufactured into a finished article and if it becomes a recognizable, integral part of the manufactured compounded, processed, assembled or prepared products or;
 2. If it is consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale.
- R. Sale of machinery and equipment purchased and used by persons establishing new manufacturing or Processing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma; provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and directly used in the process of manufacturing property subject to taxation hereunder. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such.
- S. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state.
- T. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the Oklahoma Sales Tax has previously been paid on such tangible personal property.
- U. Sales of containers shall be exempt when sold to person regularly engaged in the business or reselling empty or filled containers; or when he purchases such containers for the purpose of packaging raw products of farm, garden or orchard, for resale to the consumer or processor; provided, this exemption shall not apply to the sale of containers used more than once and which are ordinarily known as returnable containers unless a tax under this Ordinance is collected and paid to the Tax Collector with respect to each and every transfer by such person of title or possession of such returnable container if made to any consumer or user within this State; nor shall it apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise.
- V. Sale of farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of such products must certify

in writing that he is engaged in farming or ranching and that such products will be used only in farming or ranching as required by law of the State of Oklahoma.

- W. Gross proceeds from the sale of feed to be fed to poultry and livestock (including breeding stock and woolbearing stock) for the purpose of producing eggs, poultry, milk or meat for human consumption. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to "draft animals" as used in this section also shall be exempt from Sales Tax. The words "draft animals" as used in this section shall be construed to mean and include domestic animals such as horses and mules directly used in producing and marketing agricultural products. The word "feed" as used in this section shall be construed to mean and include only salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds. The term "feed" does not include stock tonics, poultry remedies, other medicinal preparations and conditioners, water purifying products, stock sprays, disinfectants and the like. The word "poultry" as used in this section shall be construed to mean and include only domestic fowls which are generally kept or raised for the market or the production of eggs. The word "livestock" as used in this section shall not mean and include dogs, cats, fur-bearing animals, pet birds or animals or birds of any kind that are generally referred to as pets. The purchaser must execute an invoice- or sales ticket as required by law of the State of Oklahoma pertaining to such use.

Section 16.107. Other Exempt Transfers.

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

- A. From one corporation to another corporation pursuant to a reorganization. As used in this subsection the term "reorganization" means:
1. A statutory merger or consolidation,
 2. 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.
- B. 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.
- C. 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.
- D. 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 partnerships and the interest in the partnership, received by each, is substantially in

proportion to this interest in the property prior to the transfer.

- E. From a partnership to the members thereof when made in kind in the dissolution of such partnership.

Section 16.108. 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 State Sales Tax Law of the State of Oklahoma.

Section 16.109. Payment of Tax – Brackets.

The tax herein levied shall be paid to the Tax Collector at the time in form and manner provided for payment of State Sales Tax under the Sales Tax Law of Oklahoma.

Section 16.110. Tax Constitutes Debt.

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

Section 16.111. Classification of Taxpayers.

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

Section 16.112. Vendor’s Duty to Collect Tax.

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor, and it shall be the duty of each and every vendor in this City to collect from the consumer or user, the full amount of the tax levied by this Title, or an amount equal as nearly as possible or practicable to the average equivalent thereof.
- B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer. or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.
- C. A vendor, as defined herein, who 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 part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of an offense, and upon conviction thereof shall be fined not more than Twenty Dollars (\$20.00) including costs.

Section 16.113. 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; and remittances of tax collected hereunder shall be subject to

the same discount as may be allowed by said Code for collection of State Sales Taxes.

Section 16.114. Tax Collector Defined.

The term "Tax Collector" as used herein means the department of the City government or official agency of the State duly designated according to law or contract authorized by law to administer the collection of the tax herein levied.

Section 16.115. Amendments.

The people of Pawnee by their approval of this Ordinance at the election herein above provided, hereby authorize 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 Ordinance as may be necessary or proper for efficiency and fairness except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the City as provided by law.

Section 16.116. Provisions Cumulative.

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

Section 16.117. Definitions.

The definitions of words terms and phrases contained in the Oklahoma Sales Tax Code, Section 1302, Title 68 O.S. Supp 1965, are hereby adopted by reference and made a part of this Ordinance.

Section 16.118. Interest and Penalties – Delinquency.

Section 217 of Title 68, O.S. Supp. 1965, is hereby adopted and made a part of this Ordinance and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by said Ordinance, provided, that the failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by said Ordinance 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 said Ordinance.

Section 16.119. Waiver of Interest and Penalties.

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the City 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 Sales Tax provided in 68 O.S. Supp. 1965, Section 220, and to accomplish the purposes of this section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Ordinance.

Section 16.120. Erroneous Payments – Claim for Refund.

Refund of erroneous payment of the City Sales Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for

administration of the State Sales Tax as set forth in 68 O.S. Supp. 1965, Section 227, and to accomplish the purposes of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Ordinance.

Section 16.121. Fraudulent Returns.

In addition to all civil penalties provided by this Ordinance, the willful failure or refusal of any taxpayer to make reports and remittances therein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under said Ordinance shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine of not more than Twenty Dollars (\$20.00) including costs.

Section 16.122. Exemption of Fertilizer.

In addition to all other exemption allowed by this Ordinance, the sales of agricultural fertilizer to persons regularly engaged for profit in the business of farming and/or ranching which are exempt from State Sales Tax under provision of 68 O.S. Supp. 1965, Section 1305 b (a) shall likewise be exempt from the City Sales Tax herein levied.

Section 16.123. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the City Sales Tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. Supp. 1965, Section 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 City Sales Tax as if hereby set forth in full.

Section 16.124. Provisions Severable.

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

CHAPTER 17 – SIDEWALKS

Section 17.101. Sidewalk Permit Required.

Before constructing any sidewalk within the City, the person desiring to construct said walk or the sidewalk contractor who expects to perform said work shall make application to the City Clerk for a special permit therefore and shall comply with any construction requirements of the City, including payment of a reasonable permit fee established by the City.

Section 17.102. Repairs – How Made.

All sidewalks out of repair shall be repaired with good material of the same kind and dimensions and of a quality equal to that originally used in the construction of said sidewalk and well laid so as to correspond with the rest of the sidewalk; and such sidewalk, or parts thereof, as have settled so as to make depressions or have become raised above the grade of the sidewalk shall be replaced on the same grade as the rest of the sidewalk.

Section 17.103. Condemnation of Sidewalks.

The Mayor and City Council may, at any time, condemn, by resolution, any portion of sidewalk whenever in their judgment it shall be deemed necessary and provide for the construction of a new sidewalk in accordance with this and other State laws.

Section 17.104. Refuse on Sidewalks.

It shall be unlawful for any property owner, occupant or agent of any property that abuts or adjoins any street or avenue in the City to allow or permit any animal or vegetable substance or any tin, glass or pieces of iron or any trash, mud, snow, ice, dirt, slop, refuse of any kind constituting a nuisance to remain.

Section 17.105. Notice – Penalty.

If any such property owner, occupant or agent of such property shall fail or refuse to clean off the sidewalk abutting or adjacent to the property owned or occupied by him, after notice served upon him by any policeman, the penalty as provided in Chapter 12 on Nuisances herein.

Section 17.106. Specifications.

Until otherwise authorized by the Council, all curbing and guttering shall be constructed as required by the National Building Code adopted by the City.

CHAPTER 18 – TRAFFIC RULES AND REGULATIONS

Section 18.101. Traffic Ordinance Adopted.

Title 21 O.S.A. as the same relates to misdemeanor traffic offenses is hereby adopted by reference.

Section 18.201. General Speed Limit.

The speed limit within the corporate limits of the City of Pawnee, Oklahoma, except as otherwise posted on U.S. Highway 64 and State Highway 18, and except for School Zones as hereinafter provided shall be twenty-five (25) miles per hour.

Section 18.202. Marking of School Zones.

School zones shall be marked with movable school zone signs, the signs being placed a reasonable distance from the area of the school proper, and on streets adjacent to the area of the school proper.

Section 18.203. School Zone Limit.

No person shall drive any vehicle at a greater maximum speed than fifteen (15) miles per hour through a properly marked school zone as provided in the last section.

Section 18.204. Railroad Trains Speed Limit.

It shall be unlawful for any person to operate or cause to be operated within the City any railroad train, motor car, engine or other railroad equipment at a greater speed than thirty (30) miles per hour.

Section 18.205. Right-of-way.

When two (2) vehicles enter or approach an intersection which contains no traffic control devices from different highways or streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

Section 18.206. Regulation of Speed by Traffic Signals.

The City Traffic Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speed otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

Section 18.207. Driving While Under the Influence of Intoxicating Liquor.

It is unlawful for any person who is under the influence or intoxicating liquor to driver operate, or be in actual physical control of any motor vehicle within the jurisdiction of the City of Pawnee.

Section 18.208. Reckless Driving.

It shall be unlawful for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property.

Section 18.209. Driving in a Manner Not Reasonable Proper.

Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than a reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

Section 18.210. Offense and Penalty.

Any person violating any of the foregoing provisions shall be deemed guilty of an offense and upon conviction thereof shall be fined a sum, including costs, of not more than Forty Dollars (\$40.00).

Section 18.211. Motor Vehicle.

Title 47, Oklahoma Statutes Annotated including all sections thereof, as amended or supplemented, is hereby enacted and adopted.

Section 18.212. Golf Carts, All Terrain Vehicles, Low-Speed Electrical Vehicles, Utility Vehicles Permitted and Regulated.

A. As used in this article, the following terms shall have the meanings indicated:

1. ALL-TERRAIN VEHICLE (ATV): a vehicle manufactured and used exclusively for off-highway use traveling on four or more non-highway tires, and being fifty (50) inches or less in width;
2. GOLF CART: a four-wheeled internal combustible or electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour designed primarily for operation on a recreational golf course, which is not registered with the State of Oklahoma.
3. LOW-SPEED ELECTRICAL VEHICLE: a four-wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 CFR 571.500;
4. UTILITY VEHICLE: a vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels;

B. Every vehicle operated upon the streets of the City of Pawnee shall be equipped as required by law; and it shall be unlawful to drive or operate a vehicle upon a street of the City of Pawnee that is not equipped as required by Title 47 of the Statutes of the State of Oklahoma. It shall also be unlawful to fail to use such equipment in the manner required by the statutes of the State of Oklahoma, to use such equipment in a

manner prohibited by said statutes, or to operate and drive a vehicle upon the streets of the City of Pawnee which has equipment prohibited by the Oklahoma State statutes.

- C. It shall be deemed a violation of this section for the owner of any vehicle to permit said vehicle to be driven or operated upon the streets of this town when said vehicle is equipped in violation of the provisions of this section.
- D. Golf Carts, Utility Vehicles, Low-Speed Electric Vehicles, and All-Terrain Vehicles may be operated on city streets under the following conditions and restrictions.
 - 1. Operation shall occur only during hours of daylight.
 - 2. No more than number of persons that the manufacturer designed the cart or vehicle to accommodate shall be within, upon or riding in such cart or vehicle.
 - 3. Each cart or vehicle shall be equipped with a warning flag of not less than one (1) square foot in size which warning flag shall extend a minimum of twelve (12) inches above the top of such cart or vehicle and which warning flag shall further be visible to both on-coming and following vehicles.
 - 4. Any cart or vehicle operated on city streets within the City of Pawnee shall be operated on residential streets only and further shall be operated on the most direct route between the point of departure and the point of destination.
 - 5. No cart or vehicles shall at any time be operated or driven on a state highway in the City of Pawnee. Crossing of state highway is permitted only at the Street Crossing.
 - 6. Any cart or vehicle operated on city streets shall at all times be operated by a person holding a current and valid driver's license, proof of insurance, and a current and valid permit issued by the City of Pawnee.
- E. It shall be unlawful for a person less than eighteen (18) years of age to operate or to be carried as a passenger upon an all-terrain vehicle unless the person wears a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218."

CHAPTER 19 - RESERVED

CHAPTER 20 – ANNEXATION OF SUBDIVISIONS AND REGULATIONS FOR NEW SUBDIVISIONS TO THE CITY OF PAWNEE, OKLAHOMA

Section 20.101. Purpose.

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes, will determine, to a large degree, the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities and other needs, to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources.

Section 20.102. Jurisdiction.

These regulations and development standards shall apply to all subdivisions of land as hereinafter defined in Section 20.301, prior to the annexation of any subdivisions.

Section 20.103. Definitions.

For the purpose of these regulations, certain terms used herein are defined as follows:

- A. Alley: A minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
- B. Block: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.
- C. City Council: The City Council of the City of Pawnee, Oklahoma.
- D. Building line or setback line: A line or lines designating the area outside of which buildings may not be erected.
- E. 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.
- F. Lot: A subdivision or a block or other parcel intended as a unit for the transfer of ownership or for development,
- G. Lot, corner: A lot located at the intersection of and abutting on two or more streets.
- H. Planning commission: The Mayor and City Council of the City of Pawnee, Oklahoma, shall act as such.
- I. 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.

- J. Plat, final: A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.
- K. Street: Any public or private right-of-way which affords the primary means of access to abutting property.
- L. Subdivide: Any person, firm, partnership, corporation, or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.
- M. Subdivision: Any division of land into two (2) or more lots, parcels, tracts or areas, any one of which when divided has an area of less than ten (10) acres, or any division of land involving the vacation or dedication or right-of-way or alignment of an existing or proposed street or highway or any public utility easement, or the re-subdivision of land heretofore divided into lots, sites or parcels.

Section 20.201. General Procedure.

- A. Flat approval. For all cases of subdividing within the scope of these regulations, a plat of land in question shall be drawn and submitted to the Mayor and City Council for their approval or disapproval, as provided below.
- B. Official recording. No plat or other land subdivision instrument shall be filed in the Office of the County Clerk until it shall have been approved by the Mayor and City Council as hereinafter set forth.
- C. Agenda. Each plat submitted for preliminary or final approval shall be placed on the agenda of the City Council only after fulfilling the appropriate requirements of these regulations.
- D. Certification and acknowledgment. All plats must be certified and acknowledged as provided by Title 11 O.S.A. Section 514.
- E. Approvals. All other approvals or other agencies such as State Health Department, County Treasurer, or other agencies must be obtained and be reflected on the plat prior to final approval by the Mayor and City Council.
- F. Legal. All subdividers must complete any necessary legal work in connection with any annexation by the City of Pawnee.
- G. City assistance. The City of Pawnee through its appropriate officers, agree to provide subdivider with all assistance it can legally provide.

Section 20.301. Subdivision Design Standards.

- A. Streets:
 - 1. All streets shall be fifty feet (50') in width, including any necessary easements.
 - 2. All streets shall be curbed and guttered meeting specifications set out in Chapter 17 of these Ordinances.

3. All streets shall be constructed utilizing oil chip with a minimum six inch base, six inch layer of blacktop, or six inch layer of concrete having a minimum 3,000 pounds mixture; the particular form shall be subject to the approval of the street commissioner in each instance.
 4. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the City Council.
- B. Easements:
1. Where alleys are not provided, easements not less than ten feet (10') wide shall be provided for use by public and private utilities along each rear lot line, and along side lot lines where necessary, in the following manner:
 - i. A permanent easement not less than seven and one-half (7 1/2) feet wide shall be provided along the rear lot line, or along the side lot line where necessary, of each abutting or adjoining lot.
 - ii. Easements shall be maintained free of buildings, fences or other structures.
 - iii. The City Council may require area easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.
 2. Where a subdivision is traversed by a water course, drainage channel or stream, which drains one hundred sixty (160) acres, or more, of land there shall be provided a right-of-way for drainage and public parks and public utility purposes, adequate to contain all of the runoff from a fifty year .maximum flood.
- C. Blocks:
1. The lengths, widths and shapes of blocks shall be determined with due regard for the following:
 - i. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - ii. Needs for convenient access, circulation, control and safety of street traffic.
- D. Lots:
1. Residential lots shall not be less than fifty feet (50) in width at the front building line and shall abut a street a distance of not less than twenty-five feet (25'); except that a corner lot shall not be less than sixty feet (60') in width at the front building line.
 2. Side lot lines should be approximately at right angles where feasible or radial to street lines.
 3. The depth of residential lots should not be less than one hundred twenty feet (120').
4. The area of residential lots shall not be less than five thousand square feet (5,000').
- E. Building lines. Building lines shall be provided for all residential subdivisions as follows:
1. A front building line shall be located not less than twenty-five feet (25') back of the street right-of-way line.
 2. A side yard building line on the side of a corner lot abutting the street shall be located not less than fifteen feet (15') back of the street right-of-way when such lot is back to back with another lot, and not less than twenty feet (20') back of the street right-of-way line in every other case.
 3. A side yard building line shall be provided not less than five feet (5') from each owner's side lot line.
 4. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.
- F. Sidewalks:
- G. Sidewalks shall not be required 2.n residential subdivisions.
- H. Water lines.
1. The subdivider shall install water lines and installation shall be in accordance with the following:
 - i. Water pipelines shall be castiron or class 150 DR18 plastic pipe or like quality having a minimum outside diameter of 4.80" and shall test to a minimum of 200 lbs. pressure after installation, without evidencing any leaks.
 - ii. New or replacement water supply systems shall be designated to minimize or eliminate:
 - a) Infiltration of flood waters into such systems, and
 - b) Discharges from such systems into flood waters.
- I. Sanitary sewers:
1. The subdivider shall install sanitary sewer for the subdivision,
 2. All sewer lines for the subdivision shall be clay tile construction and shall be installed by the subdivider to prevent freezing.
 3. Whenever subdivisions contain forty (40) acres or more the City Council may require the subdivider to install sanitary sewers and any need lift stations that are adequate to serve all of the lots within the subdivision.

4. New or replacement sanitary sewer systems shall be designed to minimize or eliminate:
- i. Infiltration of flood waters into such systems, and
 - ii. Discharges from such systems into flood waters and on site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.
- J. Fire hydrants:
1. Fire hydrants shall be provided so as to allow access to residences not to exceed 300 feet to any one residence, and shall be located with the approval of the City Water Commissioners and Fire Chief.
 2. Fire hydrants shall have a gate valve and be of such construction as to meet with the approval of the City Council.
- K. Storm sewers and drainage:
- L. Storm sewers and drainage where required, shall be provided in accordance with the specifications set out by the City Engineer under the supervision and approval of the City Council.
- M. Flood prevention, maintenance and supervision:
1. All subdivision proposals and other proposed new developments shall be reviewed to insure that all such proposals are consistent with the need to minimize flood damage; that all public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated and constructed so as to minimize or eliminate flood damage; and that adequate drainage is provided so as to reduce exposure to flood hazards.
 2. Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the proper and continuous operation, maintenance and supervision of such facilities.
- Section 20.401. Plat Preparation and Approval Procedure.**
- A. The preliminary plat:
1. General. The subdivider shall prepare a preliminary plat for submission to the City Council. Four copies of the preliminary plat shall be submitted to the Office of the City Clerk not less than ten (10) days prior to the meeting at which it is to be considered.
 2. Contents of preliminary plat. The preliminary plat shall be drawn at a scale of one hundred feet to one inch and shall contain or be accompanied by the following information:
 - i. The scale, north point and date.
 - ii. The proposed name of the subdivision.
 - iii. The name and address of the owner of record, the subdivided and of the registered engineer preparing the plat.
 - iv. A key map showing the location of the proposed subdivision referenced to existing or proposed streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part.
 - v. The name, with location of intersecting boundary lines, of adjoining subdivisions, and the location of City limits if falling within or immediately adjoining the tract.
 - vi. The land contours with vertical intervals not greater than two feet (2') referenced to a United States Geological Survey or Coast and Geodetic Survey bench mark or monument.
 - vii. The location of existing buildings, water, water courses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision, provided however that actual measured distances shall not be required.
 - viii. The length of the boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets, alleys, easements and setback lines and the approximate dimensions.
 - ix. The location, size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipe lines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:
 - a) Water mains.
 - b) Sanitary sewer mains, sub-mains and laterals.
 - c) Storm Sewers, culverts and drainage structures.
 - d) Street improvements.
 - x. The location of all drainage channels and sub; surface drainage structures and the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat.

3. Council. The City Council shall approve, approve conditionally or disapprove the plat within sixty (60) days of the date of its submission by the applicant. If the preliminary plat is disapproved or approved conditionally the reasons for such action shall be stated in writing, a copy of which shall be signed by the Mayor and shall be attached to one (1) copy of the plat and transmitted to the subdivider. On conditionally approving a plat, the City Council may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and City Council agree upon any revision which shall be filed with the City Council on a revised copy, the subdivider may proceed with the laying out of streets and roads, the preparation of utility plans and with the preparation of a final plat.
- B. The final plat.
1. General. A final plat, neatly drawn in ink on paper, and three (3) dark line prints thereof shall be submitted to the Office of the City Clerk not less than five (5) days before the Council meeting at which it is to be considered for final approval. At the same time, there shall be submitted two (2) sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.
 2. Time of submission. The final plat of the proposed subdivision shall be submitted to the Mayor and City Council for final approval within one (1) year of the date on which the preliminary plan was approved. If not submitted for final approval within such time, the preliminary plan shall be considered as having been disapproved unless the City Council agrees to an extension of time.
 3. Drafting. The final plat shall be drawn at a scale consistent with recording requirements of the County Clerk from an accurate survey.
 4. Contents of the final plat. The final plat shall show:
 - i. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.
 - ii. The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as hereafter specified.
 - iii. 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.
- iv. The line of all proposed streets fully dimensioned by lengths and bearings or angles.
 - v. The lines of all proposed alleys. Where the length and/or direction of an alley is not readily discernible from data given for lot and block lines, the length and/or bearing shall be given.
 - vi. The widths, and names where appropriate, of all proposed streets, alleys and easements which shall be properly located.
 - vii. The lines of all proposed lots fully dimensioned by lengths and bearings or angles, except where a lot line meets a street line at right angles or the angle or bearing value may be omitted.
 - viii. The out line of any property which is offered for dedication to public use fully dimensioned by lengths and bearings, with the area marked "Public".
 - ix. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "Reserved" or "Not a Part".
 - x. The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.
 - xi. The location of all easements for drainage with dimensions showing their location.
 - xii. The grades of all streets.
 - xiii. The proper acknowledgements of owners and the consent, by the mortgagee to plat restrictions.
 - xiv. The following which shall be made and shown on the copies furnished to the City Council.
 - a) Owner's Certificate and Dedication, signed.
 - b) Engineer's certificate of survey, signed, and his seal.
 - c) Certificate for release of mortgage for any portion dedicated to the public.
 - d) Reference to any separate instruments, including restrictive covenants, filed in the Office of the County Clerk or Deeds which directly affect the land being subdivided.
 - e) Certificates of City Council's approval.
 - f) Certificate of City Council's acceptance of ways, easements, and public land dedications.

- g) Treasurer's Certificate.
- xv. A title which shall include:
 - a) Name of the subdivision.
 - b) Name of City, County and State.
 - c) Location and description of the subdivision referenced to section, range and township.
- 5. City Council:
 - i. City Council action. Before recording the final plat, it shall be submitted to the City Council for approval and for acceptance of the public ways and service and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the Mayor and attested to by the City Clerk or his deputy.
 - ii. If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant including the reasons for disapproval.
 - iii. After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the City Council with two (2) dark line prints thereof, one reproducible tracing to be filed with the City Clerk. One dark line tracing to be retained in the permanent file of the Mayor and one shall be sent to the Office of the City Clerk. The applicant shall be responsible for filings with the County Clerk.

**CHAPTER 21 – LEVYING AND ASSESSING AN
EXCISE TAX – GENERAL GOVERNMENT**

Section 21.101. Citation and Codification.

This Ordinance shall be known and may be cited as Pawnee Sales Tax Ordinance and is hereinafter referred to as "Ordinance" or "Title".

Section 21.102. 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 Ordinance hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

Section 21.103. Effective Date.

This Ordinance shall become and be effective on and after December 1, 1975, subject to approval of a majority of the registered voters of Pawnee voting on same in the manner prescribed by 11 O.S. 1971 Section 61.

Section 21.104. Purpose of Revenues.

It is hereby declared to be the purpose of this Title to provide revenues to construct, maintain and operate a hospital within said City.

It is further the purpose to pledge receipts thereof to the payment of debt service requirements to the Farmers Home Administration in connection with the financing of said hospital project.

Section 21.105. Tax Rate – Sales Subject to Tax.

There is hereby levied an excise tax of one percent (1%) 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:

- A. Tangible personal property.
- B. Natural or artificial gas, electricity, ice, steam, or any other utility or public service, except water.
- C. Transportation for hire or persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire.
- D. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message.
- E. Printing or printed matter of all types, kinds and characters and the service of printing or overprinting.
- F. Service of furnishing rooms by hotels, apartment hotels, public rooming houses and public lodging houses and tourist camps.
- G. Service of furnishing storage or parking privileges by auto hotels and parking lots.

- H. 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.
- I. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except as provided in subsection (n) of Section VI hereof.
- J. Dues or fees to clubs, and the sale of tickets or admission to places of amusement, to athletic, entertainment, recreational events, or dues or fees for the privilege of having access to or the use of amusement, entertainment, athletic or recreational facilities, including free or complimentary passes, tickets, dues or fees are hereby declared to have a value equivalent to the sale price of the tickets, passes, admissions, fees or dues of like kind or character.
- K. For the purpose of this Title, sales of services and tangible personal property made for the purpose of developing real estate even though such real estate is intended for resale as real property, are hereby declared to be sales to consumers or users. Sales of service and tangible personal property, including materials, supplies and equipment made to contractors who use same in the performance of any contract, are hereby declared to be sales to consumers or users and not sales for resale. Sales of tangible personal property to persons who are primarily engaged in selling their services shall be deemed sales to consumers or users and, therefore, taxable. Sales of tangible personal property to peddlers, solicitors and other salesmen who do not have established places of business shall be deemed to be sales to consumers or users, and, therefore, taxable.

Section 21.106. Exemptions.

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

- A. Sale of non-intoxicating beverages taxed as provided by State law.
- B. Sale of cigarettes and such tobacco products as are taxed by State law.
- C. Sale of raw products from the farm, orchard or garden, here such sale is made by the producer of such raw products directly to the consumer or user; gross receipts or gross proceeds derived from the sale of livestock, poultry, poultry products, and dairy products by the producers; exemptions granted by this subdivision shall not apply when such articles are sold, even though by the producer thereof, at or from an "established business place" not on a farm; neither shall this exemption apply unless said articles are produced or grown within the State of Oklahoma. The provisions of this subsection are intended to exempt the sale by livestock producers of livestock sold at special livestock sales. The provisions of this subdivision are intended to exempt the sale of dairy products when sold by a

- dairyman or farmer who owns all of the cows from which the dairy products he sells are produced. The provisions of this subdivision shall not be construed to exempt sales by florists, nurserymen and chicken hatcheries.
- D. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members, thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and, provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members.
- E. Sale of tangible personal property or services to or by churches, except where such organizations may be engaged in business for profit or savings, competing with other persons engaged in the same or similar business.
- F. Gross receipts and gross proceeds deriving from the transportation of school children to and from schools and high schools in motor and other vehicles.
- G. Transportation of persons where the fare of each person does not exceed fifteen cents (\$.15), or local transportation of persons within the corporate limits of cities and towns except by taxicabs.
- H. Sale of food in public, common, high school or college cafeterias and lunch rooms operated primarily for the teachers and pupils, not operated primarily for the public and not operated for profit.
- I. Carrier sales made directly to consumers or users of newspapers or any other periodicals where any individual transaction does not exceed twenty cents (\$.20).
- J. Sales to the United States Government, State of Oklahoma, or any of its political subdivisions.
- K. Sale of gasoline or motor fuel on which the Motor Fuel Tax, Gasoline Excise Tax or Special Fuels Tax has been paid to the State of Oklahoma.
- L. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax under the provisions of the laws of this State. 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 productions of oil and gas.
- M. Sales of motor vehicles, attached optional equipment and accessories, on which sale the Oklahoma Motor Vehicle Excise Tax has been paid.
- N. Sales by County, District and State Fairs.
- O. Sale of advertising space in newspapers and periodicals and billboard advertising service, and sales of time for radio and television broadcasting or advertising.
- P. Sales for resale to persons regularly engaged in the business of reselling the articles purchased, whether within or without the State, provided that such sales to residents of this State are made to persons to whom Sales Tax Permits have been issued by the Oklahoma Tax Commission as provided by law. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to the sales of tangible personal property to peddlers, solicitors and other salesmen who do not have Sales Tax Permits or established places of business.
- Q. Goods, wares, merchandise, and property sold for use in manufacturing, compounding, processing, assembling or preparing for sale shall be classified as having been sold for the purposes of resale or the subject matter of resale only in the event (a) such goods, wares, merchandise, or property are purchased for the purpose of being manufactured into a finished article and if it becomes a recognizable, integral part of the manufactured products or (b) compounded, processed, assembled or prepared if it is consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale.
- R. Sale of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in Oklahoma and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma; provided this exemption shall not apply unless such machinery and equipment is incorporated into, and directly used in the process of manufacturing property subject to taxation hereunder. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such.
- S. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state.
- T. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the Oklahoma Sales Tax has previously been paid on such tangible personal property.
- U. Sales of containers shall be exempt when sold to person regularly engaged in the business or reselling empty or filled containers; or when he purchases such containers for the purpose of packaging raw products of farm, garden or orchard, for resale to the consumer or processor; provided, this exemption shall not apply to the sale of containers used more than once and which are ordinarily known as returnable containers unless a tax under this Ordinance is collected and paid to the Tax Collector with respect to each and every transfer by such person of title or possession of such returnable container if made to any consumer or user within this State; nor shall it apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise.

- V. Exemptions of poultry and livestock feed, and farm machinery as prescribed by the State Sales Tax Code shall be equally applicable as exemptions from the tax herein levied.

Section 21.107. Other Exempt Transfers.

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

- A. From one corporation to another corporation pursuant to a reorganization. As used in this subsection the term "reorganization" means:
1. A statutory merger or consolidation,
 2. 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.
- B. 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.
- C. 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.
- D. 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 partnerships and the interest in the partnership received by each is substantially in proportion to this interest in the property prior to the transfer.
- E. From a partnership to the members thereof when made in kind in the dissolution of such partnership.

Section 21.108. 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 State Sales Tax Law of the State of Oklahoma,

Section 21.109. Payment of Tax – Brackets.

The tax herein levied shall be paid to the Tax Collector at the time in form and manner provided for payment of State Sales Tax under the Sales Tax Law of Oklahoma.

Section 21.110. Tax Constitutes Debt.

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

Section 21.111. Classification of Taxpayers.

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

Section 21.112. Vendor's Duty to Collect Tax.

- A. The tax levied hereunder shall be paid by the consumer or user to the vendor, and it shall be the duty of each and every vendor in this City to collect from the consumer or user, the full amount of the tax levied by this Title, or an amount of the tax levied by this Title, or an amount equal as nearly as possible or practicable to the average equivalent thereof.
- B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts,
- C. A vendor, as defined herein, who 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 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 or prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of an offense, and upon conviction thereof shall be fined not more than Twenty Dollars (\$20.00) including costs.

Section 21.113. 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; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for collection of State Sales Taxes.

Section 21.114. Tax Collector Defined.

The term "Tax Collector" as used herein means the Department of the City government or official agency of the State duly designated according to law or contract authorized by law to administer the collection of the tax herein levied.

Section 21.115. Amendments.

The people of Pawnee by their approval of this Ordinance at the election herein above provided, hereby authorize 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 Ordinance as may be necessary or proper for efficiency and fairness except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the City as provided by law.

Section 21.116. Provisions Cumulative.

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

Section 21.117. Severability.

The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any Court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 21.118. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Section 1302, Title 68 O.S. Supp. 1965, are hereby adopted by reference and made a part of this Ordinance.

Section 21.119. Interest and Penalties – Delinquency.

Section 217 of Title 68, O.S. Supp. 1965, is hereby adopted and made a part of this Ordinance and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by said Ordinance, provided, that the failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in .the time and manner required by said Ordinance 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 said-Ordinance.

Section 21.120. Waiver of Interest and Penalties.

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the City 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 Sales Tax provided in 68 O.S; Supp, 1965, Section 220; and to accomplish the purposes of this section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Ordinance.

Section 21.121. Erroneous Payments – Claim for Refund.

Refund of erroneous payment of the City Sales Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Sales Tax as set forth in 68 O.S. Supp. 1965, Section 227, and to accomplish the purposes of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Ordinance.

Section 21.122. Fraudulent Returns.

In addition to all civil penalties provided by this Ordinance, the willful failure or refusal of any taxpayer to make reports and remittances therein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under said Ordinance shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine of not more than Twenty Dollars (\$20.00) including costs.

Section 21.123. Exemption of Fertilizer.

In addition to all other exemption allowed by this Ordinance, the sales of agricultural fertilizer to persons regularly engaged for profit in the business of farming and/or ranching which are exempt from State Sales Tax under provision of 68 O.S. Supp. 1965, Section 1305 b (a) shall likewise be exempt from the City Sales Tax herein levied,

Section 21.124. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the City Sales. Tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. Supp. 1965, Section 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 City Sales Tax as if hereby set forth in full.

Section 21.125. Tax to Be in Addition to and Separate and Apart from 1967 One percent (1%) Sales Tax.

The One Percent (1%) Sales Tax imposed hereunder shall be in addition to and separate and apart from the One Percent (1%) Sales Tax adopted by Ordinance No. 878 of the City of Pawnee, effective February 1, 1967, and pledged for the purpose of securing and developing industry within or near the City pursuant to Ordinance No. 885 of the City effective July 101 1967, and the contract signed June 1, 1967.

Section 21.126. Provisions Severable.

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

**CHAPTER 22 – UNPAID DEBTS AND ACCOUNTS
RECEIVABLE**

Section 22.101. Collection Fee.

As 11 O.S. § 22-138 allows the City of Pawnee to authorize the addition of a collection fee, not to exceed 35%, to be added for debts, accounts receivable, court penalties, costs, fines, fees, penalties, interest, and other sums due the City of Pawnee that are sent out for collection; The City of Pawnee authorizes the imposition of a 35% collection fee can be added for any of the fees or other debts owed the City of Pawnee that are sent out for collection.

**CHAPTER 23 – CITY OF PAWNEE EMPLOYEE
HANDBOOK AND PERSONNEL MANUAL**

**Section 23.101. City of Pawnee Employee Handbook
and Personnel Manual.**

The City of Pawnee Employee Handbook and Personnel Manual containing Sections 101 through 707, as amended, and all included Sections and Reservation of Rights is hereby enacted in its entirety.

CHAPTER 24 - RESERVED

CHAPTER 25 - RESERVED

CHAPTER 26 - RESERVED

CHAPTER 27 - RESERVED

CHAPTER 28 - RESERVED

CHAPTER 29 - RESERVED

CHAPTER 30 – ADOPTING AND REPEALING ORDINANCES

Section 30.101. Adopting Revised Ordinances.

That the Revised Ordinances of the City of Pawnee, Oklahoma, 1994, prepared under the direction and by the authority of the City Council of the City of Pawnee, Oklahoma, be and the same hereby are, adopted and designated as the "Revised Ordinances of the City of Pawnee, Oklahoma, 2007".

Section 30.102. Repealing Exceptions.

All former Ordinances of the City of Pawnee, Oklahoma, not contained in said revision, be, and the same are hereby repealed and from and after the passage, approval and taking effect of this Ordinance, shall cease to be in operation in said City, except: Ordinances extending, opening, vacating and closing public ways and utility easements; Ordinances creating or assessing tax for street improvements, sanitary sewers, storm sewers, waterworks, or other public improvements; Ordinances annexing or disconnecting territory to the City of Pawnee, Oklahoma; Ordinances creating rights-of-way or condemning private or other property for public purposes; Ordinances naming or changing the names of parks, additions, streets, avenues or alley; Ordinances ordering improvements or repairs to public utilities; and Ordinances relating to contracts or municipal bonds of the City of Pawnee, Oklahoma; all Ordinances not repealed by the 1930 revision; all Ordinances relating to franchises, gross receipt taxes; Ordinances relating to flood damage required by the Federal Government; Ordinances relating to public trusts; Ordinances not repealed by the 1972 revision; Ordinances not repealed by the 1984 revision; Ordinances not repealed by the 1994 revision.

Section 30.103. Publication.

There having been presented to the Board on this date proof that all requirements of Oklahoma Law concerning compilation, and notice have been met, the provisions thereof shall be in full force and effect from and after the date of the passage, approval and publication of this Ordinance.

Section 30.104. Emergency.

For the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall be in full force and effect from and after its passage, approval and publication.

APPENDIX A. FINE AND BOND SCHEDULE

(137-138)

**APPENDIX B. SUPPLEMENTAL ORDINANCES AND
RESOLUTIONS**